CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT

CHAPTER 1:01

Act
4 of 1976

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Note on Schedule

The Constitution which was originally enacted as the Schedule to this Act has been published independently (at the beginning of this Edition and immediately before this Chapter). However, any statutory instruments made under the Constitution are published as part of the Subsidiary Legislation of this Chapter.

Note on Omissions

The following Subsidiary Legislation made under the Constitution have been omitted:

(a) Emergency Powers Regulations (made under section 7) and Orders made thereunder.

(b) State of Emergency Proclamations (made under section 10).

(c) Election of President Declarations Orders (made under section 32).

(d) Parliamentary Sessions Proclamations (made under section 67).

(e) Proroguing of Parliament Proclamations (made under section 68).

(f) Dissolution Proclamations (made under section 68).

(g) Elections and Boundaries Commissions Orders (made under section 72).

(h) Public Accounts (Enterprises) Committee (made under section 119).

N.B. See Current Edition of the Consolidated Index of Acts and Subsidiary Legislation for references to these Subsidiary Legislation.

Note on section 162, and on Part IV of CHAPTER XII (Resignation, Retirement), of the Public Service Commission Regulations

LN 282/1998 amended the Public Service Commission Regulations by revoking and replacing Chapter XII. In the regulations that were replaced no regulation was numbered as **162,** and the other following regulations were numbered as **163, 164, 165, 166** and **167** notwithstanding the fact that the regulations in Chapter XIII commenced with the number 164.

In order therefore, to regularise the situation, regulations 164, 165, 166 and 167 have accordingly been renumbered as 163A, 163B, 163C and 163D in order to maintain sequential continuity in the renumbering of the Regulations.

CHAPTER 1:01

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE—*(See* Note on page 2*)*.

CHAPTER 1:01

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT

An Act to establish the Republic of Trinidad and Tobago and to enact the Constitution thereof in lieu of the former Constitution. 4 of 1976.

[29TH MARCH 1976] Commencement.

WHEREAS it is enacted by subsection (1) of section 38 of the former Constitution that Parliament may alter any of the provisions thereof: Preamble.

And whereas it is enacted by subsection (2) of the said section 38 that in so far as it alters certain provisions of the former Constitution a Bill for an Act of Parliament under the said section 38 shall not be passed by Parliament unless at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House:

And whereas it is enacted by subsection (3) of the said section 38 that in so far as it alters that section and certain other sections of the former Constitution, a Bill for an Act of Parliament under the said section 38 shall not be passed by Parliament unless it is supported at the final voting thereon—

(i) in the House of Representatives by the votes of not less than three-fourths of all the members of the House;

(ii) in the Senate by the votes of not less than two-thirds of all the members of the Senate:

And whereas it is intended by this Parliament by this Act to alter the former Constitution:

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

1. (1) This Act may be cited as the Constitution of the Republic of Trinidad and Tobago Act. Short title.

(2) This Act shall have effect for the purpose of the alteration of the former Constitution.

Interpretation.

2. In this Act—

"alter" has the same meaning as in section 38(6)*(b)* of the former Constitution;

*"appointed day" means the day fixed for the coming into operation of the Constitution by Proclamation of the Governor-General under section 4;

"the Commonwealth" has the same meaning as in section 3 of the Constitution;

†"the Constitution" means the Constitution set out in the Schedule;

"existing law" means a law that had effect as part of the law of Trinidad and Tobago immediately before the appointed day;

"the former Constitution" has the same meaning as in section 3 of the Constitution;

"law" has the same meaning as in section 3 of the Constitution;

S.I.1962 No. 1875 (U.K.).

"the Order-in-Council of 1962" means the Trinidad and Tobago (Constitution) Order-in-Council, 1962;

"public office" has the same meaning as in section 3 of the Constitution;

"the State" means the Republic of Trinidad and Tobago.

Former Constitution repealed and new Constitution enacted.

3. On the appointed day all the provisions of the former Constitution are repealed and the Order-in-Council of 1962 is revoked, and thereupon the Constitution shall have effect as the supreme law of the State in place of the former Constitution.

Appointed day.

4. The Governor-General shall by Proclamation published in the *Gazette* fix a day after the dissolution of the last Parliament under the former Constitution for the coming into operation of the Constitution.

*1st August, 1976 was fixed by Proclamation (GN 116/1976).
†*See* Note on Schedule at page 2.

Existing law.

5. (1) Subject to the provisions of this section, the operation of the existing law on and after the appointed day shall not be affected by the revocation of the Order-in-Council of 1962 but the existing laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

*(2) The President may, by Order published in the *Gazette* made at any time within the period of three years next after the appointed day, make such modifications to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the Constitution, without prejudice, however, to any powers conferred by any law upon any other person or authority to modify any existing law.

(3) Anything done under any existing law before its modification by or under this section which would, but for this subsection, cease by virtue of that modification to have effect, shall continue to have effect as if done under that law as so modified.

(4) In subsection (3), "modification" includes amendment, adaptation or other alteration authorised by subsection (1) .

(5) Without prejudice to the generality of subsections (1) to (4) and subject to any Order made under subsection (2), in any existing law which continues in force after the appointed day or in any public document, in relation to any time or any period commencing on or after the appointed day, unless the context otherwise requires—

(a) any reference to Her Majesty the Queen, whether or not that expression is used, or to the Crown in respect of Trinidad and Tobago, shall be read and construed as if it were a reference to the State;

(b) any reference to the Governor-General shall be read and construed as if it were a reference to the President;

(c) any reference to Crown land or Crown forest shall be read and construed as a reference to State land or State forest, respectively;

**See* Subsidiary Legislation for Modification Orders at page 22.

(d) any reference to Her Majesty's dominions shall be read and construed as a reference to the Commonwealth.

Prerogative and privilege.

6. (1) Where under any existing law any prerogative or privilege is vested in Her Majesty the Queen or the Crown in respect of Trinidad and Tobago, that prerogative or privilege shall, on the appointed day, vest in the State and, subject to the Constitution and any other law, the President shall have power to do all things necessary for the exercise thereof.

(2) Where under any existing law any rights, powers, privileges, duties or functions are vested in or imposed on the Governor-General, those rights, powers, privileges, duties and functions shall, on the appointed day, vest in and be exercisable by the President.

Legal proceedings and other matters.

7. (1) Subject to subsection (2), all actions, suits and other legal proceedings pending before any Court on the appointed day shall continue before that Court, including the Supreme Court established by the Constitution, as if they had been commenced in that Court under the Constitution.

(2) Any criminal proceedings pending in any Court immediately before the appointed day in which Her Majesty the Queen is a party in respect of Trinidad and Tobago, may be continued after the appointed day with the substitution of the State as a party.

(3) Where any matter or thing has been commenced before the appointed day by the Governor-General in exercise of any power in that behalf under any existing law, such matter or thing may be continued and completed by the President on or after the appointed day.

Succession to property.

8. (1) All property which, immediately before the appointed day, is vested in Her Majesty or the Governor-General for the purposes of the Government of Trinidad and Tobago, shall, on the appointed day, vest in the State.

(2) Any property which, immediately before the appointed day, is liable to escheat or to be forfeited to Her Majesty for the purposes of the Government of Trinidad and Tobago, shall, from the appointed day, be liable to escheat or to be forfeited to the State.

(3) Where, immediately before the appointed day, any person holds any property in trust for Her Majesty or for the Governor-General, for the purposes of the Government of Trinidad and Tobago, that person shall, from the appointed day, hold such property on the like trust for the State.

Rights, liabilities and obligations.

9. (1) All rights, liabilities and obligations of Her Majesty in respect of the Government of Trinidad and Tobago shall, on and after the appointed day, be rights, liabilities and obligations of the State.

(2) All rights, liabilities and obligations of the Governor-General or the holder of any other office under the Crown in respect of the Government of Trinidad and Tobago, shall, on and after the appointed day, be rights, liabilities and obligations of the President or of the holder of that other office, as the case may be, on behalf of the State.

(3) In this section, rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights mentioned in sections 6 and 8.

Existing officers.

10. (1) Subject to the provisions of this Act and of the Constitution, every person who immediately before the appointed day holds or is acting in a public office shall, as from that day, continue to hold or act in the like office as if he had been appointed thereto in accordance with the provisions of the Constitution.

(2) A person who under the Order-in-Council of 1962 or any existing law would have been required to vacate his office at the expiration of any period shall vacate his office at the expiration of that period.

Judges of the Supreme Court.

11. (1) The Judges of the Supreme Court holding office immediately before the appointed day shall, as from that day,

continue to hold office as if they had been appointed thereto under the provisions of Chapter 7 of the Constitution.

(2) Until other provision is made under Chapter 11 of the Constitution the salaries and allowances of the Judges of the Supreme Court shall be the salaries and allowances to which, immediately before the appointed day, the Judges of the Supreme Court were entitled.

Oaths.

12. (1) Any person who holds any office to which this section applies as from the appointed day, by virtue of having been the holder of any office before that day, shall be deemed to have complied with the requirements of the Constitution or any other law in force in Trinidad and Tobago relating to the taking of oaths with respect to that office.

(2) This section applies to any office to which section 10 or 11 applies, to the office of Prime Minister, Minister, Parliamentary Secretary, President of the Senate, Speaker, Leader of the Opposition, Auditor General, member of a Service Commission other than the Judicial and Legal Service Commission and member of the Elections and Boundaries Commission.

Transitional provisions relating to existing Commissions.

13. (1) Any power of a Commission established by the former Constitution (in this section referred to as "an existing Commission") which has been validly delegated to any person or authority shall, to the extent that that power could be delegated under the Constitution to such person or authority, be deemed as from the appointed day, to have been delegated to that person or authority in accordance with the provisions of the Constitution.

(2) Any matter which immediately before the appointed day is pending before an existing Commission or, as the case may be, before any person or authority to whom the power to deal with such matters has been delegated under the former Constitution shall, as from the appointed day, be continued before the corresponding Commission established by the Constitution or, as the case may be, the said person or authority where such delegation has been continued under subsection (1), so however, that where an existing Commission or, as the case may be, any person or authority as

aforesaid has, immediately before the appointed day, partly completed the hearing of a disciplinary proceeding (in this section referred to as "the original hearing"), no person shall take part in the continued hearing unless he has also taken part in the original hearing; and where by virtue of this subsection the original hearing cannot be so continued the hearing of the disciplinary proceeding shall be recommenced.

(3) Except in the case of the Judicial and Legal Service Commission, a person who immediately before the appointed day holds the Office of Chairman or other member of a Service Commission (within the meaning of section 3 of the Constitution) established by the former Constitution shall, as from the appointed day, continue to hold the like office as if he had been appointed thereto in accordance with the provisions of the Constitution.

(4) Section 126(3)*(a)* of the Constitution shall have effect in relation to such a person as if the date of his appointment under the former Constitution were the date of his appointment under the Constitution.

(5) The persons holding the office of Chairman and members of the Elections Commission under the former Constitution shall, as from the appointed day, continue to hold the like office in the Elections and Boundaries Commission under the Constitution as if they had been appointed thereto in accordance with the Constitution. This subsection shall have effect only during the period of twelve months next after the appointed day.

Saving for offices of Prime Minister and Ministers.

14. (1) The person who immediately before the appointed day holds the office of Prime Minister under the former Constitution shall, as from that day hold office as Prime Minister under the Constitution as if he had been appointed thereto under the provisions of section 76 of the Constitution.

(2) Where the person who is Prime Minister under subsection (1) is for any reason unable to act or where the office of Prime Minister is vacant, the President, acting on the advice of the Prime Minister, if the Prime Minister is able so to do, shall appoint a person who is a Minister under subsection (3) to perform the

functions of Prime Minister until such time as that person is again able to perform his functions as Prime Minister or until the next general election after the appointed day is held, whichever first occurs.

(3) The persons, other than the Prime Minister, who immediately before the appointed day hold office as Ministers under the former Constitution shall as from that day hold the like office as if they had been appointed thereto under section 76 of the Constitution.

(4) Any person holding the office of Prime Minister or other Minister by virtue of the provisions of subsections (1) to (3) who, immediately before the appointed day, was assigned responsibility for any matter or department of Government under the former Constitution shall, as from that date, be deemed to have been assigned responsibility for such matter or department under section 79 of the Constitution.

(5) The persons who, immediately before the appointed day, hold offices of Parliamentary Secretaries under the former Constitution shall, as from that date, hold the like offices as if they had been appointed thereto under section 82 of the Constitution.

(6) A person who, immediately before the appointed day, holds the office of President of the Senate or Speaker under the former Constitution shall, as from that date, hold the like office as if he had been elected thereto under section 45 or 50, respectively, of the Constitution.

(7) The person who, immediately before the appointed day, holds the office of Leader of the Opposition or Auditor General under the former Constitution shall, as from that date, hold the like office as if he had been appointed thereto under section 83 or 117, respectively, of the Constitution.

Alteration to this Act.

10 &11 Eliz. 2 C. 54.

15. Parliament may alter any of the provisions of this Act, including this section, other than the Schedule, in the same manner as it may alter the provisions of the Trinidad and Tobago Independence Act, 1962, of the United Kingdom.

Transitional as to dissolution of last Parliament.

16. (1) Where it is necessary under subsection (4) of section 68 of the Constitution for the two Houses to be summoned before the next ensuing general election after the appointed day is held, the two Houses of the last Parliament under the former Constitution shall be deemed to be the two Houses of the preceding Parliament under the Constitution for all the purposes of that subsection and those Houses may proceed to deal with any business before them, notwithstanding any difference in the composition of the Senate under the former Constitution and under the Constitution.

(2) Where in the opinion of the Prime Minister it is necessary or expedient, in order to make amendments to the Constitution between the appointed day and the next ensuing general election, to recall the two Houses of Parliament, the President, acting in accordance with the advice of the Prime Minister, may recall the two Houses of the last Parliament under the former Constitution for the purpose, and the provisions of subsection (1) shall apply accordingly.

(3) A reference in the Constitution to a dissolution of Parliament shall be deemed to include a reference to the dissolution of the last Parliament under the former Constitution.

Transitional as to Director of Public Prosecutions.

17. Until a person is appointed to the office of Director of Public Prosecutions under the Constitution, the functions of that office shall be performed by the Solicitor General.

Validation of certain enactments.

18. All enactments passed or made by any Parliament or person or authority under or by virtue of the former Constitution and not before the appointed day declared by a competent Court to be void by reason of any inconsistency with any provision of the former Constitution, including in particular sections 1 and 2 thereof, and that are not repealed, lapsed, spent or that had not otherwise had their effect, shall be deemed to have been validly passed or made and to have had full force and effect as part of the law of Trinidad and Tobago immediately before the appointed day, even if any such enactments were inconsistent with any provision of the former Constitution including in particular sections 1 and 2 thereof.

Saving for prescribed matters under former Constitution.

19. All enactments passed or made by any Parliament or person or authority in pursuance of the former Constitution for the purpose of prescribing any matter or thing authorised or required to be prescribed by the former Constitution that is correspondingly authorised or required to be prescribed for the purposes of the Constitution shall, until some other matter or thing is prescribed in pursuance of the Constitution for the purposes thereof, continue in full force and effect for all the purposes of the Constitution.

Saving for Standing Orders.

20. The Standing Orders of the Senate and of the House of Representatives of the last Parliament under the former Constitution as in force immediately before the appointed day shall, except as may be otherwise provided in pursuance of section 56(1) of the Constitution, be the Standing Orders of the Senate and of the House of Representatives established by the Constitution, but shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

Transitional as to constituency boundaries and list of electors.

***21.** (1) Notwithstanding section 54(2)*(b)* of the former Constitution, the Elections and Boundaries Commission shall prepare a fresh report of the boundaries of the constituencies in accordance with the said section 54 and any other law relating to the registration of voters of 18 years and over.

(2) The last report of the Elections and Boundaries Commission under section 54 of the former Constitution shall—

(a) be submitted by the Commission to the Prime Minister and the Speaker for presentation to the House of Representatives of the last Parliament under the former Constitution as soon as possible after the passing of this Act; and

(b) be deemed to be the first report of the Elections and Boundaries Commission under section 72 of the Constitution and any other law for all the purposes of the Constitution.

See section 3 of Act No. 11 of 1980.

(3) The list of electors prepared by the Elections and Boundaries Commission pursuant to any law relating to the registration of voters of the age of 18 years and over and used for the purpose of the preparation of the report of the Commission on the boundaries of the constituencies under section 54 of the former Constitution shall be deemed to be the list of electors prepared by the Elections and Boundaries Commission under section 72 of the Constitution and the Representation of the People Act, for all the purposes of the Constitution. Ch. 2:01.

Act to be certified.

22. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final voting thereon in the Senate and in the House, respectively, has been supported, in the Senate by the votes of not less than two-thirds of all the members of the Senate, and in the House by the votes of not less than three-fourths of all the members of the House.

(2) The certificates of the Clerk of the Senate and the Clerk of the House of Representatives under subsection (1) duly signed and authenticated by them shall be conclusive evidence that this Act is one the Bill for which has been passed by both Houses of Parliament and at the final voting thereon in each House has been supported by the votes of not less than two-thirds of all the members of the Senate and three-fourths of all the members of the House of Representatives, as provided for in section 38 of the former Constitution.

SUBSIDIARY LEGISLATION

Note on Orders made under section 5(2)

Orders made under section 5(2) and under the corresponding provisions of former Constitutions comprised provisions of two categories—*(a)* specific amendments of various written laws, and *(b)* general provisions for the adaptation of existing laws. The former have been incorporated in the written laws amended and are omitted from the Orders published. Only those provisions of the Orders that constitute general adaptation provisions and that are still relevant are published below. The gaps are indicated by dotted lines.

The Orders made under the **present** and the **previous** three Constitutions are as follows:

Present Constitution—GN 136/1976 and 110/1977.

Previous Constitutions—

(A) The Trinidad and Tobago (Constitution) Order 1959 (1959 No. 1044, U.K.)—GN 109/1959.
(This Order was repealed by GN 8/1962 and 97/1963).

(B) The Trinidad and Tobago (Constitution) Order 1961 (1961 No. 1192, U.K.)—GN 172/1961, 176/1961, 52/1962, **5/1962, 44/1962,** 8/1962, 11/1962 and 38/1962. *(**GN 5/1962** was repealed by GN 44/1962 (before Independence); and, all the remaining Orders except **GN 44/1962** were repealed by GN 8/1962 (after Independence).*

(C) The Trinidad and Tobago (Constitution) Order 1962 (1962 No. l872, U.K.)—GN 8/1962 and 97/l963.

EXISTING LAWS AMENDMENT ORDER

8/1962.

made under section 4 of the Trinidad and Tobago (Constitution) Order-in-Council 1962

1. This Order may be cited as the Existing Laws Amendment Order 1962. Citation.

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3. (1) Subject to this Order and the Constitution, a reference in any existing law to the Governor (meaning thereby a Governor of the former Colony of Trinidad and Tobago) including a reference to the Governor in Council or the Governor in Executive Council, shall be read and construed as reference to the Governor-General. References to Governor to be construed as references to Governor-General.

(2) For the avoidance of doubt it is hereby declared that—

(a) where immediately before the commencement of this Order a function was, under an existing law, expressed to be exercisable by the Governor acting in his discretion or absolute discretion, then unless that function is, under the Constitution, expressed to be exercisable by the Governor-General acting in accordance with his own deliberate judgment or in accordance with the advice of any person or authority other than the Cabinet, that function is exercisable by the Governor-General acting in accordance with the advice of the Cabinet or of a Minister acting under the General authority of the Cabinet;

(b) where immediately before the commencement of this Order a function was, under an existing law, expressed to be exercisable by the Governor or any person or authority and that function is, under the Constitution, expressed to be exercisable by some other person or authority, then that function is exercisable by that other person or authority in accordance with the Constitution.

Reference to Secretary of State to cease to have effect or to refer to Governor-General.

4. (1) Where it is provided in any existing law that any matter or thing shall be reported to a Secretary of State or that a Secretary of State shall be consulted that provision shall cease to have effect.

(2) Where it is provided in any existing law that any matter or thing shall require the approval or consent of a Secretary of State, then—

(a) if the matter or thing for which such approval or consent is required would, had it been done or omitted before the commencement of this Order, have been an act or omission of the Governor, the provision shall cease to have effect; and

(b) in any other case, such provision shall have effect as if that matter or thing required the approval or consent of the Governor-General.

(3) Where it is provided in any existing law that any matter or thing not included in subsections (1) and (2) is required to be or may be done by a Secretary of State, such provision shall have effect as if that matter or thing were required to be or might be done by the Governor-General.

(4) Nothing in this section shall apply to any such matter or thing done or omitted in respect of, or in relation to the United Kingdom or any dependency thereof.

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Power of Governor-General to make subsidiary legislation.

6. (1) Where under any Act of the Parliament of the United Kingdom which extends expressly or by necessary implication or is applied to Trinidad and Tobago as part of the law thereof, or under any Imperial Order in Council which applies to Trinidad and Tobago as part of the law thereof (being in either case an existing law), power to make subsidiary legislation is given to a person or authority other than a person or authority in or under the Government, that power may be exercised by the Governor-General.

(2) In this section "subsidiary legislation" means any regulation, rule, bye-law, order, scheme or other instrument having legislative effect.

EXISTING LAWS AMENDMENT ORDER

97/1963.

made under section 4 of the Trinidad and Tobago (Constitution) Order-in-Council 1962

Citation.

1. (1) This Order may be cited as the Existing Laws Amendment Order 1963, and shall be read as one with the Existing Laws Amendment Order 1962 (in this Order referred to as "the previous Order").

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Charge on Consolidated Fund.

5. Where in any existing law it is provided that—

(a) any expenditure is a charge on the public funds of the former Colony of Trinidad and Tobago;

(b) any money for meeting expenditure shall be appropriated out of the said public funds; or

(c) any person is entitled to be paid or to recover from the said funds any expenditure by him or defrayed by him pursuant to any law,

that provision shall have effect as if it charged such expenditure on the Consolidated Fund.

Legislative matters.

6. (1) Subject to this Order, for any reference in an existing law to a legislature of the former Colony of Trinidad and Tobago there is substituted a reference to Parliament; and for any reference to a chamber of such legislature there is substituted a reference to the corresponding chamber of Parliament.

(2) Subject to subsection (3), where under any existing law such a legislature had power to approve, affirm, confirm, amend or do any matter or thing by resolution, that power may be exercised by a resolution of each chamber of Parliament or, where that power was exercisable by a single chamber of such legislature, of the corresponding chamber of Parliament; and such law shall be construed accordingly.

(3) Where under any existing law such a legislature had power to annul or revoke any matter or thing by resolution, that

power may, in like manner, be exercised by both chambers of Parliament or, where that power was exercisable by a single chamber of such legislature, by the corresponding chamber of Parliament; and such law shall be construed accordingly.

(4) Where under any existing law any matter or thing was required to be submitted to or laid before such a legislature, then that matter or thing shall in like manner, be submitted to or laid before each chamber of Parliament or, where the matter or thing was required to be submitted to or laid before a single chamber of such legislature, the corresponding chamber of Parliament and such law shall be construed accordingly.

(5) The Legislative Council (Powers and Privileges) Ordinance shall be cited as the House of Representatives (Powers and Privileges) Ordinance and—

(a) for any reference to the Legislative Council therein and in the long title thereto, there is substituted a reference to the House of Representatives, and for any reference to the Speaker, Deputy Speaker or other member or officer of the Council, there is substituted a reference to the Speaker, Deputy Speaker or other corresponding member or officer of the House;

(b) for any reference to the Standing Orders of the Legislative Council there is substituted a reference to the Standing Orders of the House,

and until otherwise provided by Parliament, that Ordinance as amended by this Order shall, *mutatis mutandis,* apply in relation to the Senate and to the President, Deputy President and other members and officers thereof as it applies in relation to the House of Representatives and to the Speaker, Deputy Speaker and other members and officers thereof.

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Administrative matters.

7. In an existing law—

(a) for any reference to the Executive Council there is substituted a reference to the Cabinet, for any reference to a member of the Executive Council there is substituted a reference to a member of the Cabinet and for any reference to the Clerk to the Executive Council there is substituted a reference to the Secretary to the Cabinet;

(b) for any reference to the Premier or the Chief Minister there is substituted a reference to the Prime Minister;

(c) for any reference to the Colony or the Territory (meaning thereby the former Colony of Trinidad and Tobago) there is substituted a reference to Trinidad and Tobago;

(d) for any reference to the Director of Audit there is substituted a reference to the Auditor General.

[Subsidiary]

136/1976.

EXISTING LAWS MODIFICATION ORDER

made under section 5(2) of the Constitution of the Republic of Trinidad and Tobago Act 1976

Citation.

1. This Order may be cited as the Existing Laws Modification Order 1976.

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Reference to Public Seal.

5. A reference in any enactment to the Public Seal of Trinidad and Tobago shall be read and construed so as to include a reference to the Seal of the President of the Republic of Trinidad and Tobago.

Reference to Queen's Counsel.

6. Any reference to Her Majesty's Counsel or Queen's Counsel whichever expression is used shall be read and construed as a reference to Senior Counsel in the legal profession of the Republic of Trinidad and Tobago.

Adaptation of reference to Attorney General.

7. (1) A reference to the Attorney General in any enactment respecting his functions in criminal proceedings shall be read and construed as a reference to the Director of Public Prosecutions.

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LETTERS PATENT

[110/1983
121/2008
165/2011].

establishing the

DISTINGUISHED SOCIETY OF TRINIDAD AND TOBAGO

**deemed to be issued under section 6 of the Act*

Effective:
30th August 1969;
Dated:
26th August 1969

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern,

GREETING:

WHEREAS by and with the advice of the Cabinet a society of honour known by and having the name, style and designation of the "Order of the Trinity" was established and constituted on the 26th day of August, 1969 and came into effect on the 30th day of August, 1969, for the purpose of according recognition to citizens of Trinidad and Tobago and other persons for distinguished or meritorious service or for gallantry:

And whereas it was ordained, directed and appointed by and with the advice of the Cabinet that the said Order consist of the President of Trinidad and Tobago and such members together with honorary members as the President shall in accordance with the Constitution of the Order from time to time appoint:

And whereas it was further ordained, directed and appointed that the said Order be governed by the Constitution of the Order of the Trinity set out in the Schedule:

Now let it be known that it is hereby ordained, directed and appointed by and with the advice of the Cabinet that the society of honour known as the "Order of the Trinity" shall henceforth be known as the "Distinguished Society of Trinidad and Tobago":

And it is further ordained, directed and appointed by and with the advice of the Cabinet that the "Trinity Cross of the Order of the Trinity" shall henceforth be known as the "Order of the Republic of Trinidad and Tobago".

*These Letters Patent were originally issued by Command of QUEEN ELIZABETH The Second, then Queen of Trinidad and Tobago, and have been modified in accordance with section 5 of the Constitution of the Republic of Trinidad and Tobago Act so as to be brought into accord with the Act (and the Constitution).

SCHEDULE

THE CONSTITUTION OF THE DISTINGUISHED SOCIETY OF TRINIDAD AND TOBAGO

THE DISTINGUISHED SOCIETY OF TRINIDAD AND TOBAGO

1. (1) The Distinguished Society of Trinidad and Tobago, hereinafter called "the Society" shall consist of the President of Trinidad and Tobago and the members and honorary members of the Society.

(2) Every citizen of Trinidad and Tobago to whom the Order of the Republic of Trinidad and Tobago, the Chaconia Medal, the Humming Bird Medal, the Medal of Merit or the Medal for the Development of Women is awarded is a Member of the Society.

(3) Every person other than a citizen of Trinidad and Tobago to whom the Order of the Republic of Trinidad and Tobago, the Chaconia Medal, the Humming Bird Medal or the Medal for the Development of Women is awarded on an honorary basis is an Honorary Member of the Society.

2. The President of Trinidad and Tobago shall, by virtue of that Office, be the Chancellor of the Society.

3. The Chancellor is charged with the administration of the Society.

4. The Secretary to the President shall be Secretary of the Society and shall maintain the records of the Society, arrange for investitures and perform such other functions in respect of the Society as the President may require him to perform.

5. The President may appoint such other officials for the Society as may be necessary.

[110/1983]. 6. (1) There shall be a standing National Awards Committee for the Society hereinafter called "the Committee" comprising—

(a) the Chief Justice of Trinidad and Tobago who shall be the Chairman of the Committee;

(b) the Chairman of the Public Service Commission;

(c) the Chairman of the Teaching Service Commission;

(d) the Chairman of the Elections and Boundaries Commission;

(e) a Senior Public Officer appointed by the Prime Minister;

(f) two persons representative of the General Public appointed by the Prime Minister. Such appointment shall be for a period not exceeding three years but a person whose appointment so expires shall be eligible for reappointment.

(2) The Committee shall have a Secretary who shall be appointed by the Prime Minister.

7. A person is not a member or honorary member of the Society by reason only of his being a member of the Committee or an official for the Society.

8. The Committee shall—

(a) consider nominations of persons of merit who are citizens of Trinidad and Tobago together with recommendations and supporting material received by the Committee for awards of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal, the Humming Bird Medal, the Medal of Merit or the Medal for the Development of Women;

(b) compile separate lists in respect of the Order of the Republic of Trinidad and Tobago and of each medal of those nominees to whom an award may be made;

(c) forward to the Prime Minister the lists compiled pursuant to paragraph *(b)* together with its recommendations respecting awards;

(d) advise the President in respect of any other matters concerning the Society referred to it by the President for consideration.

9. Any person or organisation may submit to the Committee for its consideration a nomination of a citizen of Trinidad and Tobago for an award of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal, the Humming Bird Medal, the Medal of Merit or the Medal for the Development of Women.

10. (1) Awards of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal, the Humming Bird Medal and the Medal of Merit shall be made by Instrument signed by the President and sealed with the Seal of the Society and shall have effect from the date of the affixing of the Seal unless another effective date is specified in the Instrument.

(2) The power conferred on the President under subsection (1) shall be exercised by him on the advice of the Prime Minister given after consideration of the recommendation of the Advisory Committee.

(3) Only citizens of Trinidad and Tobago are eligible for the award of the Medal of Merit.

(4) Only persons other than citizens of Trinidad and Tobago are eligible for the award of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal or the Humming Bird Medal on an honorary basis.

(5) Any distinguished citizen of a country other than Trinidad and Tobago whom Trinidad and Tobago desires to honour may be awarded the Order of the Republic of Trinidad and Tobago, the Chaconia Medal or the Humming Bird Medal on an honorary basis.

(6) Awards of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal and the Humming Bird Medal to persons other than citizens of Trinidad and Tobago shall be made on the advice of the Prime Minister.

THE ORDER OF THE REPUBLIC OF TRINIDAD AND TOBAGO

11. (1) The Order of the Republic of Trinidad and Tobago of the Society of the Trinity herein called the "Order of the Republic of Trinidad and Tobago" may be awarded in connection with the Society to any person who has rendered distinguished and outstanding service to Trinidad and Tobago.

(2) The Order of the Republic of Trinidad and Tobago may be awarded posthumously but a deceased recipient does not become a member of the Society.

(3) The Order of the Republic of Trinidad and Tobago shall be awarded only in Gold.

(4) The President may award the Order of the Republic of Trinidad and Tobago to a maximum of—

(a) ten persons in 1969;

(b) five persons in any year thereafter.

THE CHACONIA MEDAL

12. (1) The Chaconia Medal of the Distinguished Society of Trinidad and Tobago herein called the "Chaconia Medal" may be awarded in connection with the Society to any person who has performed long and meritorious service to Trinidad and Tobago tending to promote the national welfare or strengthen the community spirit.

(2) The Chaconia Medal may be awarded posthumously but a deceased recipient does not become a member of the Society.

(3) The Chaconia Medal may be awarded in Gold, Silver or Bronze in accordance with the Committee's assessment of the value of the recipient's service to Trinidad and Tobago.

(4) The President may award the Chaconia Medal to a maximum of—

(a) fifteen persons in 1969;

(b) ten persons in any year thereafter.

THE HUMMING BIRD MEDAL

13. (1) The Humming Bird Medal of the Distinguished Society of Trinidad and Tobago herein called the "Humming Bird Medal" may be awarded in connection with the Society to any person who has rendered loyal and devoted service beneficial to Trinidad and Tobago in any field of human endeavour or for gallantry or other humane action.

(2) The Humming Bird Medal may be awarded posthumously but a deceased recipient does not become a member of the Society.

(3) The Humming Bird Medal may be awarded in Gold, Silver or Bronze in accordance with the Committee's assessment of the level of the service rendered by the recipient.

(4) The President may award the Humming Bird Medal for loyal and devoted service to a maximum of—

(a) twenty persons in 1969;

(b) fifteen persons in any year thereafter.

MEDAL OF MERIT

14. (1) The Public Service Medal of Merit of the Distinguished Society of Trinidad and Tobago herein referred to as the "Medal of Merit" may be awarded for outstanding and meritorious service in the Public Services, the Defence and Protective Services or service with Statutory Bodies performing national functions.

(2) Only citizens of Trinidad and Tobago are eligible for the award of the Medal of Merit.

(3) The Medal of Merit may be awarded posthumously but a deceased recipient does not become a member of the Society.

(4) The Medal of Merit may be awarded in Gold, Silver or Bronze according to the length or merit of the services rendered as assessed by the Committee.

MEDAL FOR THE DEVELOPMENT OF WOMEN

14A. (1) The Medal for the Development of Women of the Distinguished Society of Trinidad and Tobago herein called "the Medal for the Development of Women" may be awarded to any person for outstanding contribution to the development of women's rights and issues. 165/2011.

(2) The Medal for the Development of Women may be awarded posthumously but a deceased recipient does not become a member of the Society.

(3) The Medal for the Development of Women may be awarded in Gold, Silver or Bronze according to the length or merit of the contribution made as assessed by the Committee.

(4) The President may award the Medal for the Development of Women to a maximum of ten persons in any year.

TERMINATION OF MEMBERSHIP IN THE SOCIETY

15. A person ceases to be a member or honorary member of the Society upon—

(a) his death;

(b) his resignation from the Society which shall have effect on the date on which a resignation in writing is accepted by the President;

(c) the revocation of his award by the President; provided that an award of the Humming Bird Medal for gallantry or humane action shall not be revoked.

DESIGNATIONS

16. (1) A person to whom the Order of the Republic of Trinidad and Tobago is awarded is entitled to—

(a) have the letters "O.R.T.T." placed after his name on all occasions when the use of such letters is customary; and

(b) wear as a decoration the insignia prescribed by the President for recipients of the Order of the Republic of Trinidad and Tobago.

(2) A person to whom the Chaconia Medal is awarded is entitled to—

(a) have the letters "C.M.T.T." placed after his name on all occasions when the use of such letters is customary; and

(b) wear as a decoration the insignia prescribed by the President for recipients of the Chaconia Medal.

(3) A person to whom the Humming Bird Medal is awarded is entitled to—

(a) have the letters "H.B.M." placed after his name on all occasions when the use of such letters is customary; and

(b) wear as a decoration the insignia prescribed by the President for recipients of the Humming Bird Medal.

(4) A person to whom the Medal of Merit is awarded is entitled to—

(a) have the letters "M.O.M." placed after his name on all occasions when the use of such letters is customary; and

(b) wear as a decoration the insignia prescribed by the President for recipients of the Medal of Merit.

(5) A person to whom the Medal for the Development of Women is awarded is entitled to—

(a) have the letters "M.D.W." placed after his name on all occasions when the use of such letters is customary; and

(b) wear as a decoration the insignia prescribed by the President for recipients of the Medal for the Development of Women.

17. (1) When worn in Trinidad and Tobago by a citizen of Trinidad and Tobago the Order of the Republic of Trinidad and Tobago shall be worn suspended from the neck and takes precedence of all other decorations.

(2) When worn in Trinidad and Tobago by a citizen of Trinidad and Tobago the Chaconia Medal shall be worn immediately after the Order of the Republic of Trinidad and Tobago and in front of all other decorations.

(3) When worn in Trinidad and Tobago by a citizen of Trinidad and Tobago the Humming Bird Medal shall be worn immediately after the Chaconia Medal and in front of all other decorations.

(4) When worn in Trinidad and Tobago the Medal of Merit shall be worn immediately after the Humming Bird Medal and in front of all other decorations.

(5) When worn in Trinidad and Tobago the Medal for the Development of Women shall be worn immediately after the Medal of Merit and in front of all other decorations.

*18. Acting in accordance with the advice of the Prime Minister, the President may, where in any year exceptional circumstances so warrant, make awards of the Order of the Republic of Trinidad and Tobago, the Chaconia Medal or the Humming Bird Medal in excess of the maximum number prescribed, respectively, in clause 11(4), 12(4), 13(4) or 14A(4).

*This clause was inserted in pursuance of a Cabinet decision set out in Cabinet Minute No. 3700(1) of 30th August, 1979.

ELECTORAL COLLEGE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
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4. Nomination of candidates.
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6. Withdrawal of candidate.
7. Death of candidate.
8. Electoral College to meet on election day whether election contested or not.
9. Mode of election.
10. Ballot papers.
11. Officers of the Electoral College—functions and duties.
12. Taking of the ballot.
13. Secrecy of ballot.
14. Manner of voting.
15. Spoiled ballots.
16. Closing of poll.
17. Procedure by Clerk after closing of poll.
18. Declaration of election.
19. Report of proceedings.
20. Adjournments.
21. Keeping of records.
22. Amendments.
23. Speaker to regulate procedure.

SCHEDULE.

187/1976.

ELECTORAL COLLEGE REGULATIONS

made under section 28(4) of the Constitution

Citation.

1. These Regulations may be cited as the Electoral College Regulations.

Interpretation.

2. In these Regulations—

"ballot box" means a receptacle for the reception of ballots cast at an election;

"ballot paper" means a ballot paper prepared in accordance with these Regulations;

"Clerk" means the Clerk of the House of Representatives and includes the Clerk of the Senate so acting on the direction of the Speaker;

"election" means an election for President under section 245 of the Constitution;

"member" means a member of the Electoral College.

Application.

3. These Regulations shall have effect for the purpose of holding an election for President under section 26 of the Constitution, and any other meeting of the Electoral College.

Nomination of candidates. Form 1. Schedule.

4. (1) Every candidate for election shall be nominated by a separate nomination paper in the form set out as Form 1 in the Schedule.

(2) The nomination paper shall state the full name and address of the candidate and his proposers, the occupation of the candidate and the constituencies represented by his proposers.

Decisions as to validity of nomination papers.

5. Where a nomination paper is delivered to the Speaker in accordance with section 30 of the Constitution the candidate shall be deemed to stand nominated unless proof is given to the satisfaction of the Speaker that the candidate is dead or is not qualified under section 23 of the Constitution or the candidate withdraws.

Withdrawal of candidate.

6. (1) Any candidate may withdraw his candidature at any time before the taking of the ballot by delivering to the Speaker a declaration in writing to that effect signed by himself and attested by the signatures of at least four of his proposers and any votes cast for the candidate who has so withdrawn shall be null and void.

(2) Where a candidate has withdrawn after the ballot papers are printed and time does not permit the printing of fresh ballot papers his name shall be deleted therefrom and initialled by the Speaker in every ballot paper.

Death of candidate.

7. (1) Where before the expiration of the time limited by section 30*(b)* of the Constitution for delivery of the nomination paper proof is given to the satisfaction of the Speaker of the death of any candidate, a fresh nomination may be made in place of the deceased candidate.

(2) Where the death of a candidate occurs after the expiration of the time limited by section 30*(b)* of the Constitution, the name of such candidate shall be deleted from the ballot paper and initialled by the Speaker where time does not permit the printing of a fresh ballot paper.

Electoral College to meet on election day whether election contested or not. Ch. 1:02.

8. (1) For the purpose of every election under section 27 of the Constitution, the Electoral College shall meet on the date announced in the *Gazette* by the Speaker pursuant to section 26(2) of the Constitution and the Constitution (Prescribed Matters) Act, whether or not the election for the office of President is contested.

(2) A member, other than the Speaker and the President of the Senate, shall, on the first occasion of taking his seat at a meeting of the Electoral College for an election, present to the Clerk for scrutiny a letter of accreditation signed—

(a) in the case of a member who is a Senator, by the President of the Senate;

(b) in the case of a member who is a member of the House of Representatives, by the Speaker.

(3) Members of the public may attend any meeting of the Electoral College at which an election is held and the press and

other news media shall be admitted on such conditions as the Speaker may impose.

(4) At an election one only of the proposers of every candidate may speak for not more than fifteen minutes on the merits of the candidate, but only if the text of the speech is first approved by the Speaker.

(5) In order to obtain approval of a text by the Speaker for the purposes of paragraph (4), every such text shall be submitted at least twenty-four hours before the meeting at which the speech is to be made; and the Speaker shall reject any speech which in his opinion impugns the character of any candidate.

(6) Subject to subregulations (4) and (5), no debate on the merits of a candidate shall be held.

Mode of election.

9. (1) Where on the expiration of the time limited by section 30*(b)* of the Constitution for delivery of the nomination papers—

(a) more than one person stands nominated, a poll shall be taken in accordance with these Regulations;

(b) only one person stands nominated, such nominated person shall at the meeting of the Electoral College be declared by the Speaker to be elected;

(c) the number of persons standing nominated is reduced to one, the remaining person standing nominated shall be declared to be elected in accordance with paragraph *(b)*.

(2) Where pursuant to subregulation (1)*(b)* or regulation 18 a person is declared elected, the Speaker shall thereupon issue an instrument signed and sealed by him stating—

(a) in the case of an uncontested election to the office of President, that the person named in the instrument was or became the only person nominated for the election and was in consequence declared elected; or

(b) in the case of a contested election, that the person named in the instrument was declared elected at that meeting in consequence of a ballot.

Ballot papers.

10. (1) As soon as possible after the expiration of the time limited by section 30*(b)* of the Constitution for the nomination of candidates for the election, the Speaker shall, if a ballot is to be held, cause ballot papers to be printed for use in that election.

Form 2. Schedule.

(2) A ballot paper shall be in the form set out as Form 2 in the Schedule.

Officers of the Electoral College—functions and duties.

11. The Clerk of the House of Representatives and the Clerk of the Senate and such other officers of both those Houses as the Speaker may appoint shall be officers of the Electoral College and shall have and exercise such functions and perform such duties as are conferred or imposed on them by these Regulations or by direction of the Speaker.

Taking of the ballot.

12. (1) Immediately before the taking of the ballot the Clerk shall in the presence and view of members open and inspect the ballot box to ascertain that there are no ballot papers or other papers or materials therein, after which the box shall be locked and placed on the table in full view of all present and shall remain so placed until the end of the balloting.

(2) The Clerk shall call upon every member present to cast his ballot and shall immediately thereafter deliver the ballot paper to every such member who is willing to vote.

(3) The member shall then proceed to such place provided for the purpose where he shall mark his ballot by marking an "X" against the name of the candidate of his choice.

(4) The member shall then fold his ballot so that the initials of the Clerk can be seen without opening the ballot, return to the Clerk and display the ballot.

(5) The Clerk shall satisfy himself—

(a) that the ballot is the ballot he gave to the member;

(b) that the ballot is correctly folded.

(6) Upon the Clerk being so satisfied, the member shall insert his ballot into the ballot box.

Secrecy of ballot.

13. A place or places shall be provided in order to ensure secrecy in the marking of the ballot.

Manner of voting.

14. (1) The "X" shall be marked in the space provided therefor on the right-hand side of the name of the candidate as printed on the ballot paper.

(2) A ballot paper shall not be rejected by reason only that the "X" is marked outside the space provided or that more than one "X" is marked thereon so long as there is a clear indication as to the candidate for whom the member intended to vote.

Spoiled ballots.

15. A member who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall return it to the Clerk who shall—

(a) deface it in such manner as to render it a spoiled ballot;

(b) deliver another ballot paper to the member;

(c) place the spoiled ballot in an envelope provided therefor.

Closing of poll.

16. Immediately after the last member present and desirous of voting has voted, the Speaker shall announce the close of the poll.

Procedure by Clerk after closing of poll.

17. (1) Immediately after the Speaker has complied with the requirements of regulation 16 the Clerk shall—

(a) count the number of spoiled ballots, if any, and place them in the special envelope;

(b) count the unused ballot papers undetached from the book of ballot papers, and place them with the stub of all used ballot papers in the special envelope;

(c) check the number of ballot papers supplied by the Speaker against the number of spoiled ballot

papers, if any, the number of unused ballot papers and the number of members who cast their votes in order to ascertain that all ballot papers are accounted for;

(d) open the ballot box and empty its contents upon a table;

(e) with the assistance of at least one proposer of every candidate, if willing, count the number of votes given to each candidate on his tally sheet.

(2) In counting the votes the Clerk shall reject all ballots—

(a) that are on ballot papers that have not been supplied by him;

(b) that have not been marked for any candidate or have not been marked in the manner prescribed by these Regulations;

(c) on which votes have been given for more than one candidate;

(d) where it cannot be established for whom the member has voted;

(e) upon which there is any writing or mark by which the member can be identified.

(3) No ballot shall be rejected by reason only that it has on it any number or mark placed thereon by the Clerk.

(4) After the completion of the count, the Clerk shall complete the Statement of the Poll in the form set out as Form 3 in the Schedule and certify a copy for the Speaker. Form 3. Schedule.

18. Upon the final determination of an election pursuant to section 31 of the Constitution, the Speaker shall at the meeting of the Electoral College at which the election was finally determined declare the candidate who was elected President. Declaration of election.

19. (1) An official report of the proceedings and of all speeches made in the Electoral College shall be prepared under the supervision of the Clerk, acting under such instructions as the Speaker may from time to time give. Report of proceedings.

(2) The report shall be published in such form as the Speaker may direct and a copy thereof shall be sent to each member as soon as practicable.

Adjournments.

20. A meeting of the Electoral College for an election and any other meeting of the Electoral College may be adjourned from time to time by a resolution for the purpose.

Keeping of records.

21. All documents, Minutes and other records of the proceedings of the Electoral College at a meeting for an election, including nomination papers, ballot papers, Statement of the Poll, speeches, letters of accreditation and other communications, shall be kept in custody of the Clerk for a period of five years next after an election.

Amendments.

22. (1) The Electoral College shall, upon the summons of the Speaker for the purpose, meet from time to time to consider any amendments to these Regulations.

(2) Where a motion for an amendment of these Regulations is presented to him by not less than twelve members the Speaker shall, within ten days of the receipt thereof, summon a meeting of the Electoral College to consider the amendments.

Speaker to regulate procedure.

23. In all matters not provided for in these Regulations, the Speaker when presiding at a meeting of the Electoral College shall have power to regulate the conduct of business.

SCHEDULE

Regulation 4(1).

FORM 1

ELECTORAL COLLEGE REGULATIONS

NOMINATION PAPER

We, the undersigned members of the House of Representatives do hereby nominate the following person as a proper person to serve as President of the Republic of Trinidad and Tobago and we certify that to the best of our belief he is qualified for election under section 23 of the Constitution.

PARTICULARS REGARDING CANDIDATE

Surname	Other Names	Address	Occupation
.....	.....	.....	.....

(Continued on page 38)

PARTICULARS REGARDING PROPOSERS

Surname	Other Names	Address	Constituency
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
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Signatures of Proposers .....
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I, ... nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as President of the Republic of Trinidad and Tobago and name as my address for serving of process and papers under the Constitution of the Republic of Trinidad and Tobago and the Electoral College Regulations—

Address .....
.....
.....

Witness my hand this ..... day of ..... 20.....

.....
(Signature)

FORM 2

Regulation 10(2).

(*Front*)

BALLOT PAPER

Stub	Name and Address of Candidate	Space for Placing Mark
	Emmanuel ABDULLAH 475, Marli Street Insurance Broker	
Consecutive No.	Conrad D. BABULAH 72, Chancery Lane Engineer	
	Francis CARTER 291, Hoyte Street Merchant	

(*Back*)

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

BALLOT PAPER

PRESIDENTIAL ELECTION

REPUBLIC OF TRINIDAD AND TOBAGO

Election Day:

Space for initials of Clerk

Regulation 17(4).

FORM 3

ELECTORAL COLLEGE REGULATIONS

STATEMENT OF THE POLL

In the Electoral College

Number of ballot papers received from the Speaker	.....
Number of ballots cast for	.....
Number of ballots cast for	.....
Number of ballots cast for	.....
Number of rejected ballots	.....
(a) Total number of ballots found in box …	.....
(b) Number of spoiled ballot papers … …	.....
(c) Number of unused ballot papers undetached from the book … … … … …	.....
Total … … … … … …	.....

I HEREBY CERTIFY that the above statement is correct and that a copy was handed to the Speaker.

Dated at the House of Representatives this ..... day of ....., 20 .....

Clerk.

PUBLIC SERVICE COMMISSION (DELEGATION OF POWERS) ORDER

158/1966. [109/1981 232/1990 105/2006].

**made or deemed to be made under section 127 of the Constitution*

1. This Order may be cited as the Public Service Commission (Delegation of Powers) Order. Citation.

2. In this Order, "regulation" means the Public Service Commission Regulations and "the Regulations" shall be construed accordingly. Interpretation. Sub. Leg. below.

3. The Public Service Commission (hereinafter called "the Commission") with the approval of the Prime Minister, hereby delegates to the authorities designated in the First and Second Schedules the powers specified therein in relation to such authorities. Delegations. [232/1990]. First and Second Schedules.

*Most of these delegations were made under section 93 of the former Constitution and were saved and deemed to be made under the Constitution by section 13 of the Constitution of the Republic of Trinidad and Tobago Act. (Ch. 1:01).

158/1966.
[232/1990].

FIRST SCHEDULE

PART I

CHAIRMAN AND DEPUTY CHAIRMAN, PUBLIC SERVICE COMMISSION

Powers delegated.

1. The Chairman and the Deputy Chairman of the Commission are hereby delegated the power to appoint persons on recruitment from outside the particular Service in the public service on a temporary basis in any public office other than the public offices, the appointment to which is subject to consultation with the Prime Minister.

Acting appointments.

2. The power delegated under paragraph 1, is in respect of the public offices specified in the Classification of Offices set out in the First Schedule to the Civil Service Act, the Third Schedule to the Fire Service Act, the First Schedule to the Prison Service Act.

Ch. 23:01
Ch. 35:50
Ch. 13:02
Ch. 39:01
158/1966.

PART II

PERMANENT SECRETARIES AND HEADS OF DEPARTMENTS

Powers delegated.

1. The powers delegated to Permanent Secretaries and Heads of Departments are as follows:

Acting appointments.

(a) to appoint a public officer to act in the public office in the Civil Service up to and including Salary Range 68 for periods up to six months in exercise of which power, the Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;

Transfers.

(b) to transfer a public officer from an office in a grade in the Ministry or Department to which such an officer is assigned to a similar office in that grade in the same Ministry with no alteration in remuneration up to and including Salary Range 68 and this power shall be exercised subject to the provisions of regulation 29 of the Regulations which requires notice to be given to such officer and to the right of such officer and to make representations to the Commission;

Further temporary appointment.

(c) to appoint persons temporarily to offices in the public service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;

Confirmation.

(d) to confirm the appointment of a public officer to a public office after consideration of all performance appraisal reports

and medical reports on the officer, where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

2. The powers delegated in this Part are in respect of public officers in the Ministry under his supervision who hold the public offices specified in Salary Ranges Nos. 1 to 68 of the Classification of Offices set out in the First Schedule to the Civil Service Act, except that the power to confirm appointments to public offices applies to all offices within the Ministry or Department. Application. Ch. 23:01.

3. The powers delegated in this Part do not apply to offices, the appointment or promotion to which is subject to consultation with the Prime Minister. Application.

4. A Permanent Secretary or Head of Department shall submit to the Commission once in every quarter a report of the exercise of the powers delegated to him. Report to Commission.

PART III

DEPUTY PERMANENT SECRETARIES

1. The powers delegated to Deputy Permanent Secretaries are as follows: Powers delegated.

(a) to appoint a public officer to act in a public office in the Civil Service in Salary Ranges up to and including Salary Range 45 for periods up to six months, in the exercise of which power the Deputy Permanent Secretary shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations; Acting appointments.

(b) to appoint persons temporarily to offices in Salary Ranges up to and including Salary Range 45 in the Public Service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period; Further temporary appointment.

(c) to confirm the appointment of a public officer to a public office in Salary Ranges up to and including Salary Range 45 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory. Confirmation.

2. The powers hereby delegated are in respect of public officers in the Ministry under the supervision of the Deputy Permanent Secretary who hold the public offices specified in Salary Ranges up to and including Salary Range 45 of the Classification of Offices set out in the First Schedule to the Civil Service Act. Application.

Application.

3. The powers hereby delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

Report to Commission.

4. A Deputy Permanent Secretary shall submit to the Commission once in every quarter through the Permanent Secretary a report on the exercise of the power delegated to him.

PART IV

DIRECTORS, HUMAN RESOURCES

Powers delegated.

1. The powers delegated to Directors, Human Resources are as follows:

Acting appointment.

(a) to appoint a public officer to act in a public office in the Civil Service up to and including Salary Range 34 for periods up to six months, in the exercise of which power delegated the Directors, Human Resources shall apply the principles of selection prescribed in regulations 18 and 26 and the provisions of regulation 25 of the Regulations;

Further temporary appointment.

(b) to appoint persons temporarily to offices up to and including Salary Range 34 in the Public Service for periods not exceeding six months at a time where such persons have already been appointed temporarily by the Public Service Commission for a fixed period;

Confirmation.

(c) to confirm the appointment of a public officer to a public office up to and including Salary Range 34 after consideration of all performance appraisal reports and medical reports on the officer where applicable during the probationary period if satisfied that the service of the officer on probation has been satisfactory.

Application.

2. The powers delegated in this Part are in respect of public officers in the Ministry under the supervision of the Director, Human Resources, who hold the public offices specified in Salary Ranges Nos. 1 to 34 of the Classification of Offices set out in the First Schedule to the Civil Service Act.

Application.

3. The powers hereby delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

Report to Commission.

4. A Director, Human Resources shall submit to the Commission once in every quarter through the Permanent Secretary a report on the exercise of its powers delegated to him.

PART V

PERMANENT SECRETARY, MINISTRY OF HEALTH

Powers delegated.

1. The Permanent Secretary, Ministry of Health is delegated the powers to appoint persons temporarily to the offices of Clinical Instructor and Nursing Instructor.

Report to Commission.

2. The Permanent Secretary, Ministry of Health, shall submit to the Commission once in every quarter, a report of the exercise of the powers delegated to him under this Part.

PART VI

THE DIRECTOR OF STATISTICS, CENTRAL STATISTICAL OFFICE, MINISTRY OF PLANNING AND DEVELOPMENT

Powers delegated.

1. (1) The powers delegated to the Director of Statistics, Central Statistical Office, Ministry of Planning and Development are as follows:

(a) to appoint persons to the temporary posts of—

(i) Field Interviewer;

(ii) Clerical Assistant;

(iii) Statistical Assistant,

in the Central Statistical Office;

(b) to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under paragraph *(a)*.

(2) All appointments made under this Part shall be on a temporary basis.

Report to Commission.

(3) The Director of Statistics shall submit to the Commission once in every quarter, a report of the exercise of any of the powers delegated under this Part.

PART VII

THE COMMISSIONER OF PRISONS

Powers delegated.

1. The powers delegated to the Commissioner of Prisons are as follows:

Appointment.

(a) the power to appoint persons and prison officers on promotion to offices in the Prison Service below the rank of Prison Supervisor and to confirm the appointment of Prison Officers to such offices in accordance with the Regulations, but the power hereby delegated shall not include the power

to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations;

(b) in the case of a person recruited for training to serve as a prison officer below the rank of Prison Supervisor, the power to terminate the appointment at any time on the ground of unsuitability arising from any cause;

Acting Appointment.

(c) the power to appoint prison officers to act in offices in the Prison Service below the office of Prison Supervisor and in the exercise of this power the Commissioner shall apply the principles of selection prescribed in regulation 172 of the Regulations;

Transfers.

(d) the power to transfer prison officers from one Prison to another;

Suspension.

(e) the power to direct a prison officer to cease to report for duty in accordance with regulation 88 of the Regulations and the Commissioner shall report the exercise of this power forthwith to the Commission;

Resignation.

(f) the functions of the Commission under regulation 48 of the Regulations in respect of a prison officer in an office in the Prison Service below the office of Prison Supervisor.

2. In the exercise of the powers delegated under paragraph 1 of this Part to the Commissioner of Prisons to appoint persons and prison officers to offices specified therein, the reference to the Director in regulation 166 shall be construed as reference to the Commissioner.

Report to Commission.

3. The Commissioner shall submit to the Commission, once in every quarter, a report of the exercise of any of the powers delegated to the Commissioner and to any other prison officer.

PART VIII

THE CHIEF FIRE OFFICER

Powers delegated.

1. The powers delegated to the Chief Fire Officer are as follows:

Appointments.

(a) the power to appoint persons and fire officers on promotion to offices in the Second Division of the Fire Service below the office of Fire Station Officer and to confirm the appointment of Fire Officers to such offices in accordance with the Regulations, but the power hereby delegated shall not include power to terminate an appointment on probation or extend a period of probation under regulation 44 of the Regulations;

(b) in the case of a person recruited for training to serve as a fire officer below the office of Fire Station Officer, the power to

terminate the appointment at any time on the ground of unsuitability arising from the cause;

(c) the power to appoint fire officers to act in offices in the Second Division of the Fire Service below the office of Fire Station Officer and in the exercise of this power the Chief Fire Officer shall apply the principles of selection prescribed in regulations 154, 157 and 158, and the provisions of regulations 154 and 155 of the Regulations; Acting Appointments.

(d) the power to transfer Fire Officers from one Division or District or Branch in the Fire Service to another such Division or District or Branch; Transfers.

(e) the power to direct a fire officer to cease to report for duty in accordance with regulation 88 of the Regulations and the Chief Fire Officer shall report the exercise of this power forthwith to the Commission; Suspension.

(f) the functions of the Commission under regulation 164 of the Regulations in respect of a fire officer in an office in the Second Division of the Fire Service below the office of Fire Station Officer. Resignation.

2. The Chief Fire Officer shall submit to the Commission, once in every quarter, a report of the exercise of any of the powers delegated to the Chief Fire Officer and to any other fire officer. Report to Commission.

PART IX

CHIEF ADMINISTRATOR, TOBAGO HOUSE OF ASSEMBLY, TOBAGO

1. The powers delegated to the Chief Administrator, Tobago House of Assembly, Tobago are as follows:

(a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in the Tobago House of Assembly, subject to section 26(1) and the Sixth Schedule of the Tobago House of Assembly Act, No. 40 of 1996 which powers are in respect of the public offices specified in the classification of offices set out in the First Schedule to the Civil Service Act, and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes; Appointments. Ch. 23:01.

(b) to appoint a public officer to act in a public office in the Civil Service, Tobago House of Assembly, for periods up to six Acting Appointments.

months whether such acting appointment is in a vacant office or not except that where an acting appointment is made in a vacant office the officer must be informed that such acting appointment would not give him any prior claim to eventual permanent appointment thereto and in respect of such power the Chief Administrator shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;

Transfers.

(c) to transfer a public officer from an office in a grade in the Tobago House of Assembly, to which such an officer is assigned to a similar office in that grade within the Tobago House of Assembly, with no alteration in his remuneration which power shall be exercised by the Chief Administrator subject to the provisions of regulation 29.

(d) to direct a public officer assigned to an office in the Tobago House of Assembly, to cease to report for duty in accordance with regulation 88 of the Regulations and the Chief Administrator, Tobago House of Assembly, shall report the exercise of this power forthwith to the Commission;

(e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in Column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.

2. In the exercise of the powers delegated under paragraph 1*(e)*, the Chief Administrator shall—

(a) exercise the powers of the Commission under regulation 90(6) and (7);

(b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline, but in no case of a grade lower than that of the Clerk IV to be a disciplinary tribunal and that officer shall hear the facts and make a report thereon to the Chief Administrator in accordance with the provisions respecting the function and duties of a Disciplinary Tribunal as prescribed in the Regulations;

(c) any fine which the Chief Administrator imposes under paragraph *(e)* shall not exceed an amount calculated on four days pay per month to a maximum of three months.

Report.

3. The Chief Administrator shall submit to the Commission once in every quarter, a report on the exercise of powers delegated to him in this Part.

Application.

4. The powers and functions delegated in this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges

Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, 1965, except that the powers delegated do not apply to offices the appointment or promotion to which is subject to consultation with the Prime Minister.

PART X

THE SENIOR PUBLIC OFFICER, HIGH COMMISSIONS, MISSIONS AND EMBASSIES OF TRINIDAD AND TOBAGO

Powers delegated.

1. The powers delegated to the Senior Public Officer, High Commissions, Missions, and Embassies of Trinidad and Tobago are as follows:

(a) the power to appoint, on a temporary basis only persons resident in the jurisdiction where the particular High Commission, Mission or Embassy is situated to the non-representational staff of the said High Commission, Mission or Embassy that is to say to any office of the grade of Clerk IV and under;

(b) the power to remove and exercise disciplinary control over any person appointed under and in exercise of the power of appointment delegated under subparagraph *(a)*.

PART XI

THE PERMANENT SECRETARY, CENTRAL ADMINISTRATIVE SERVICES, TOBAGO

Powers delegated.

1. The powers delegated to the Permanent Secretary, Central Administrative Services, Tobago, are as follows:

(a) to appoint persons on recruitment from outside the Civil Service in a temporary capacity to an office in a Ministry or Department or in a Division of a Ministry or Department located in Tobago (exclusive of offices in the Prison and Fire Services) which power is in respect of the public offices specified in the Classification of Offices set out in the First Schedule to the Civil Service Act, and which are regarded as the basic normal entry points to the general clerical, secretarial and manipulative classes; Ch. 23:01.

(b) to appoint a public officer to act in a public office in the Civil Service and located in the Department of Central Administrative Services, Tobago, for periods up to six months whether such acting appointment is in a vacant post or not except that where an acting appointment is made in a vacant post, the officer must be informed that such acting

appointment would not give him any prior claim to eventual permanent appointment thereto, in respect of which power the Permanent Secretary shall apply the principles of selection prescribed in regulations 18, 24 and 26 and the provisions of regulation 25 of the Regulations;

Transfers.

(c) to transfer a public officer from an office in a grade in the Department of Central Administrative Services, Tobago to which such an officer is assigned to a similar office in that grade in the same Department of Central Administrative Services, Tobago, with no alteration in his remuneration, which power shall be exercised by the Permanent Secretary subject to the provisions of regulation 29 of the Regulations, which require notice to be given to such officer and which preserves the right of such officer to make representations to the Commission;

(d) to direct a public officer assigned to an office in the Department of Central Administrative Services, Tobago, to cease to report for duty in accordance with regulation 88 of the Regulations, and the Permanent Secretary, Central Administrative Services, Tobago shall report the exercise of this power forthwith to the Commission;

(e) to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline described in column 1 of the Second Schedule being a breach of a regulation in respect of the Civil Service as specified in Column 2.

2. In exercise of the power delegated under paragraph 1*(e)* the Permanent Secretary shall—

(a) exercise the powers of the Commission under regulation 90(6) and (7);

(b) assign a public officer of a grade higher than that of the officer charged with misconduct or indiscipline but in no case of a grade lower than that of a Clerk IV to be a disciplinary tribunal, and that officer shall hear the evidence, find the facts and make a report thereon to the Permanent Secretary in accordance with the provisions respecting the functions and duties of a Disciplinary Tribunal as prescribed in the Regulations.

3. Any fine which the Permanent Secretary imposes under paragraph 1*(e)* shall not exceed an amount calculated on four days pay per month to a maximum of three months.

4. The Permanent Secretary shall submit to the Commission, once in every quarter, a report of the exercise of any powers delegated to him.

5. The powers and functions hereby delegated under this Part are in respect of public officers who hold any of the public offices specified in Salary Ranges Nos. 1 to 68 inclusive of the Classification of Offices set out in the First Schedule to the Civil Service Act, except where such offices require the holders to perform as Heads or Deputy Heads of Ministries/Departments/Divisions and in respect of which offices consultation with the Prime Minister is required by the Commission. Ch. 23:01.

SECOND SCHEDULE

DISCIPLINARY POWERS DELEGATED

For the purposes of regulation 85 of the Regulations, an act of misconduct or indiscipline which the Permanent Secretary or Head of Department has jurisdiction to hear and determine under that regulation is an act of misconduct or indiscipline described in Column 1 of the following Table being a breach of a regulation:

(a) in respect of officers in the Civil Service, in Chapter XI of the Civil Service Regulations;

(b) in respect of officers in the Fire Service, in Chapter VII of the Fire Service (Terms and Conditions of Employment) Regulations, 1998;

(c) in respect of officers in the Prison Service, in Chapter II of the Prison Service (Code of Conduct) Regulations, 1990,

as specified in Columns 2, 3 and 4 of that Table in respect of the Civil Service, the Fire Service, and the Prison Service, respectively.

SECOND SCHEDULE—*Continued*

COLUMN 1 *Description of Misconduct*	COLUMN 2 CIVIL SERVICE *Reference to Regulation of Civil Service Regulations*	COLUMN 3 FIRE SERVICE *Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998*	COLUMN 4 PRISON SERVICE *Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990*
Failure to attend to matters promptly within scope of office	Regulation 135(1)	Regulation 101(1)	Regulation 4(1)
Lack of courtesy to a member of the public or member of the: *(a)* Civil Service *(b)* Fire Service *(c)* Prison Service	Regulation 135(2)	Regulation 101(5)	Regulation 4(2)
Wilful failure to perform duties	Regulation 135(3)		
Absence without leave or reasonable excuse	Regulation 136(1)	Regulation 103(1)	
Failure to report absence from country	Regulation 136(2)	Regulation 103(2) and (3)	
Failure to disclose activities outside Service	Regulation 137(2)	Regulation 104(1)*(b)* and (2)	Regulation 6(1)*(d)*
Breach of rules relating to broadcast	Regulation 140	Regulation 110	Regulation 12

COLUMN 1 *Description of Misconduct*	COLUMN 2 CIVIL SERVICE *Reference to Regulation of Civil Service Regulations*	COLUMN 3 FIRE SERVICE *Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998*	COLUMN 4 PRISON SERVICE *Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990*
Act of indebtedness to the extent it impairs efficiency, etc.	Regulation 141	Regulation 111	Regulation 13(1)
Failure to notify of bankruptcy proceedings	Regulation 142	Regulation 112	Regulation 14
Failure to perform duty in a proper manner	Regulation 149(1)*(a)*	Regulation 119(1)*(a)*	Regulation 20(1)*(a)*
Contravention of the: *(a)* Civil Service Regulations and other written law;	Regulation 149(1)*(b)* Regulation 149(1)*(c)*		
(b) Fire Service (Terms and Conditions of Employment) Regulations, 1998 and other written law;		Regulation 119(1)*(b)* Regulation 119(1)*(c)*	
(c) Prison Service (Code of Conduct) Regulations, 1990			Regulation 20(1)*(b)*
Act that is prejudicial to, or discredits reputation of the Service	Regulation 149(1)*(d)*	Regulation 119(1)*(d)*	Regulation 20(1)*(c)* Regulation 20(1)*(d)*
Disobedience to orders	Regulation 149(2)*(b)*	Regulation 119(2)*(c)*	Regulation 20(2)*(c)*

SECOND SCHEDULE—*Continued*

COLUMN 1 *Description of Misconduct*	COLUMN 2 CIVIL SERVICE *Reference to Regulation of Civil Service Regulations*	COLUMN 3 FIRE SERVICE *Reference to Regulation of Fire Service (Terms and Conditions of Employment) Regulations, 1998*	COLUMN 4 PRISON SERVICE *Reference to Regulation of Prison Service (Code of Conduct) Regulations, 1990*
Neglect of duty	Regulation 149(2)*(d)* and *(f)*	Regulation 119(2)*(d)*	Regulation 20(2)*(d)*
Unlawful or unnecessary exercise of duty	Regulation 149(2)*(g)*	Regulation 119(2)*(h)*	Regulation 20(2)*(l)*
Malingering	Regulation 149(2)*(a)*	Regulation 119(2)*(i)*	Regulation 20(2)*(m)*
Absence without leave or being late for duty	Regulation 149(2)*(a)*	Regulation 119(2)*(j)*	Regulation 20(2)*(n)*
Persistently unpunctual			
Damage to clothing supplied		Regulation 119(2)*(l)*	Regulation 20(2)*(p)*
Unfit for duty through drunkenness	Regulation 149(2)*(c)*	Regulation 119(2)*(m)*	Regulation 20(2)*(q)*
Drinking on duty or soliciting drink		Regulation 119(2)*(n)*	Regulation 20(2)*(r)*
Entering licensed premises		Regulation 119(2)*(o)*	Regulation 20(2)*(s)*

TEACHING SERVICE COMMISSION (DELEGATION OF POWERS) ORDER

88/1969.

**made or deemed to be made under section 127 of the Constitution*

Citation.

1. This Order may be cited as the Teaching Service Commission (Delegation of Powers) Order.

Interpretation. Sub. Leg. below.

2. In this Order, "regulation" means regulation of the Public Service Commission Regulations, which Regulations have been adopted by the Teaching Service Commission; and "the Regulations" shall be construed accordingly.

Delegation.

Schedule.

Ch. 39:01.

3. The Teaching Service Commission (hereinafter called "the Commission"), with the approval of the Prime Minister, and subject to the provisions set out in the Schedule, hereby delegates to the Permanent Secretary of the Ministry of Education and Culture, in respect of the Teaching Service established under section 53 of the Education Act, the powers specified in the Schedule hereto.

SCHEDULE

88/1969, [146/1978].

POWERS DELEGATED

Appointments.

1. (1) The power to appoint persons temporarily in the office of Teacher for both Government and Assisted Schools, for a period not exceeding three months, from a priority list of candidates approved by the Commission.

(2) The power to remove any person appointed under and in exercise of the power of appointment delegated under subparagraph (1).

Acting appointments.

2. (1) The power to appoint a member of the Teaching Service to act in an office of the Teaching Service when such acting appointment is not a prelude to a substantive appointment.

(2) In the exercise of the power delegated under subparagraph (1), the Permanent Secretary shall apply the provisions of regulation 25, and the principles of selection prescribed in regulation 26.

(3) The power hereby delegated does not apply to—

(a) any office in an assisted school; or

*Most of these delegations were made under section 99C of the former Constitution and were saved and deemed to be made under the Constitution by section 13 of the Constitution of the Republic of Trinidad and Tobago Act.

(b) any office in the Teaching Service the appointment to which is subject to consultation with the Prime Minister.

Increments.

3. (1) The power to certify the eligibility of teachers whose Staff Reports are not adverse, for annual increments of salary (when due).

(2) The power to certify eligibility of teachers for annual increments hereby delegated shall not affect the duty to render Staff Reports to the Commission in accordance with the provisions of regulation 34.

Discipline.

4. (1) The power to exercise disciplinary control in respect of any alleged act of misconduct or indiscipline prescribed in *regulations 62 and 64 and in regulation 83(2)*(a)*, *(b)*, *(c)*, *(d)*, *(e)*, *(f)* and *(h)* or of any indiscipline prescribed in regulation 84 to the extent that the Permanent Secretary may charge a member of the Teaching Service with any offence prescribed as aforesaid and may impose, in respect of such misconduct or indiscipline the penalty of a fine under paragraph *(g)* or of a reprimand under paragraph *(f)* of regulation 110(1).

(2) In exercise of the powers delegated under subparagraph (1) the Permanent Secretary shall—

(a) exercise the powers of the Commission under regulation 88(1) and regulation 90(6) and (7); and

(b) assign a member of the Teaching Service holding an office in a grade higher than that of the teacher charged with misconduct or indiscipline but in no case holding an office in a grade lower than that of a Schools Supervisor II, to be a disciplinary tribunal, and that member shall hear the evidence, find the facts and make a report thereon to the Permanent Secretary in accordance with the provisions respecting the functions and duties of a disciplinary tribunal as prescribed in the Regulations.

(3) Any fine which the Permanent Secretary imposes under subparagraph (1) shall not exceed an amount calculated on four days pay per month to a maximum of three months.

Application.

5. (1) The powers hereby delegated except that concerning increments are in respect of public offices in the Teaching Service specified in Ranges Nos. 4 to 40A (inclusive) of the Classification of Offices set out in the First Schedule to the Education Act.

Ch. 39:01.

(2) The power to exercise disciplinary control hereby delegated does not extend to a member of the Teaching Service who is the holder of an office in an assisted school.

Monthly report to Commission.

6. The Permanent Secretary, Ministry of Education and Culture shall submit to the Commission once in every month, a report of the exercise of the powers delegated under paragraph 1 of this Schedule.

Quarterly report to Commission.

7. The Permanent Secretary shall submit to the Commission once in every quarter a report of the exercise of any of the powers delegated to the Permanent Secretary under paragraphs 2, 3 and 4 of this Schedule.

*Regulations 60 to 83 of the Public Service Commission Regulations were Revoked by LN 28/1991.

PUBLIC SERVICE COMMISSION REGULATIONS

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174. to 176. ***(Revoked by LN 28/1991).***
177. Commissioner to submit recommendations in advance.
178. Commissioner to state reasons for passing over officers.
179. Rule where power to appoint delegated.

PART III

DISCIPLINE

180. 181. ***(Revoked by LN 28/1991).***

FIRST SCHEDULE.
SECOND SCHEDULE.

PUBLIC SERVICE COMMISSION REGULATIONS

132/1966.†

**deemed to be made under section 129 of the Constitution*

CHAPTER I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Public Service Commission Regulations.

Interpretation. [28/1991].

2. In these Regulations—

"acting appointment" means the temporary appointment of an officer to a higher office or otherwise whether that office is vacant or not;

"appointment" means the placing of a person in an office in the public service;

"the Chairman" means the Chairman of the Commission;

"Civil Service" means the Civil Service Established by the Civil Service Act; Ch. 23:01.

"the Commission" means the Public Service Commission constituted under section 120 of the Constitution;

"the Constitution" means the Constitution of The Republic of Trinidad and Tobago;

"Director" means the Director of Personnel Administration;

"Fire Service" means the Fire Service established by the Fire Service Act; Ch. 35:50.

"Gazette" means the *Gazette* published by the order of the Government and includes supplements thereto and any *Extraordinary Gazette* so published;

"Head of Department" means the officer charged with the administration of a Department not under the control of a Minister;

* These Regulations were made under section 102 of the former Constitution, and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

† These Regulations are amended by 47 of 1980; 28/1991; 108/1991; 238/1998; 267/1998; 282/1998; 107/2000; 173/2000; 143/2006; 174/2007; 267/2007; 41/2008 and 41/2009.

"officer" means a person employed in that part of the public service established respectively as the Civil Service, the Fire Service, the Prison Service, or any other service in the public service who is subject to the jurisdiction of the Commission and, for the purposes of section 53 of the Education Act, shall be deemed to include all persons employed in the Teaching Service;

Ch. 39:01.

"prescribed form" means the appropriate form as may from time to time be prescribed by the Commission;

"Prison Service" means the Prison Service established by the Prison Service Act;

Ch. 13:02.

"promotion" means the appointment of an officer to an office in a grade carrying a higher remuneration whether such office be in the same Ministry or Department or not;

"public office" includes a public office in the Civil Service, the Fire Service, the Prison Service and for the purposes of section 53 of the Education Act, shall be deemed to include an office in the Teaching Service;

"public service" includes the Civil Service, the Fire Service, the Prison Service and for the purposes of section 53 of the Education Act, shall be deemed to include the Teaching Service;

"secondment" means the transfer of an officer in a particular service to serve for a period in an office in another service or in an office in the public service or in an office under another Government or under a Statutory Board or organisation approved by the President;

"Teaching Service" means the unified Teaching Service established under section 53 of the Education Act.

Application and saving of regulations to officers in the Fire Service. [282/1998 267/1998].

***2A.** (1) Regulations contained in Chapter III to Chapter VI (inclusive) of the Public Service Commission Regulations (other than regulations 16, 50, 52, 53, 54, 55, 56, 58 and 59) shall cease to apply in respect of an officer in the Fire Service on the commencement of the Fire Service (Terms and Conditions of Employment) Regulations, 1998.

* *See* LN 267/1998 published as Legal Supplement Part B in the *Gazette*—Vol. 37 No. 194 dated 15th October 1998.

(2) Where, at the date of the commencement of the Fire Service (Terms and Conditions of Employment) Regulations, 1998, an action has been taken in respect of an officer in the Fire Service or a benefit, including a permission or approval, has been given to an officer in the Fire Service under a regulation referred to in subregulation (1) that ceases to apply to fire officers, that action, privilege or benefit shall remain in force and in effect notwithstanding the cessation of the application of that regulation. Sub. Leg.

CHAPTER II

THE PUBLIC SERVICE COMMISSION

3. (1) The Chairman and other members of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form I of the First Schedule. Oath of Office. Form I. First Schedule.

(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out in Form II of the First Schedule. Form II. First Schedule.

4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such time and place as the Chairman shall determine. Meetings.

(2) Where a member fails to attend at least four meetings in any one month over a period of three months without reasonable excuse, the Commission shall make a report to the President.

5. (1) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Commission, and in the absence of the Chairman and the Deputy Chairman from any meeting, the members present shall elect one of their number to preside at that meeting. Procedure, quorum and voting.

(2) At any meeting of the Commission three members shall constitute a quorum.

(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.

(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote.

Decisions other than at meetings.

6. (1) Notwithstanding regulation 5 but subject to subregulation (2), questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing, and in such case the decision shall be the view of the majority of members expressing a view.

(2) If any member requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

Record of meetings and decisions.

7. (1) The Director shall ensure that Minutes of all meetings of the Commission and of all decisions arrived at under regulation 6, shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof.

Dissents.

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the Minutes.

Consultation with other persons.

8. The Commission in considering any matter or question may consult with any such public officer or other person as the Commission may consider proper and desirable and may require any public officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

Non-compliance.

9. Any public officer who without reasonable cause or excuse fails to appear before the Commission when required to do so, or who fails to comply with any request made by the Commission or with any requirement of these Regulations shall be guilty of misconduct.

Instrument of delegation to be published.

10. (1) Whenever the Commission delegates any of its powers to any of its members or to any public officer in accordance with section 127(1) of the Constitution, the Director shall cause notice of such delegation to be published in the *Gazette*.

(2) A notice published under subregulation (1) shall contain the following information:

(a) the powers delegated;

(b) the person or persons to whom such delegation is made;

(c) the extent of such delegation;

(d) the terms and conditions of such delegation and the manner in which matters dealt with under such delegated authority may reach the Commission.

(3) Any power so delegated shall be exercised in such manner as the Commission may direct.

(4) Every delegation under this regulation shall be revocable.

CHAPTER III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

Application for appointment.

11. Every application for first appointment to the public service shall be addressed to the Director on the prescribed form.

Selection for appointment on basis of competitive examination. Ch. 23:01. Sub. Leg.

12. (1) Candidates for permanent appointment to public offices in the clerical or secretarial classes as prescribed by the Civil Service Regulations and to such other classes in the public service as the Commission may from time to time specify, shall be selected on the basis of written competitive examinations and interviews.

(2) A candidate who fails the examination for entry into the public service in the class or classes specified in subregulation (1) in any year, shall, if he wishes to be considered for a permanent appointment, reapply and resubmit himself for the examination in any following year, notwithstanding that he may have held an acting appointment in the meantime.

(3) A candidate who passes the examination for entry into the class or classes specified in subregulation (1) in any year but fails to obtain an appointment shall, if he wishes to be considered for a permanent appointment, be required to reapply and resubmit himself for examination in any following year, but the Commission may, in such case as it shall think fit, waive the requirements of this subregulation.

Filling of vacancies. [267/2007].

13. (1) As soon as it is known that a vacancy will occur the Permanent Secretary or Head of Department shall communicate to the Director in writing and shall make his recommendations regarding the filling of the vacancy.

(2) Where a vacancy exists for more than three months and no request has been made by the Permanent Secretary or Head of Department for the filling of the vacant post, the Director shall send to each Permanent Secretary or Head of Department a statement of existing vacancies in his Ministry or Department requesting early recommendations for filling vacancies.

(3) If recommendations, or satisfactory explanations for a lack thereof, are not received within a month, the Director shall report the fact to the Commission and the Commission shall require the Permanent Secretary or Head of Department to inform it of the reasons for failure to request the filling of the vacancy.

(4) The Director shall, from time to time by circular memorandum or by publication in the *Gazette*, give notice of vacancies which exist in the particular service and any officer may make application for appointment to any such vacancy. Such application shall be forwarded through the appropriate Permanent Secretary or Head of Department to the Director, but the failure to

apply shall not prejudice the consideration of the claims of all eligible public officers.

(5) Notwithstanding subregulation (4), a Permanent Secretary or Head of Department may with the consent of the Public Service Commission and in consultation with the Director of Personnel Administration by—

(a) circular memorandum; and

(b) publication in the *Gazette*,

give notice of vacancies which exist in offices specific to the particular Ministry or Department to which any eligible officer may apply.

(6) An application to fill a vacancy as advertised pursuant to subregulation (5) shall be made directly to the Permanent Secretary or Head of Department.

(7) The failure of an eligible officer to apply for a vacancy as advertised pursuant to subregulation (5) shall not prejudice the Commission's consideration of the claims by that officer.

Appointments to be by competition within the particular service.

14. Whenever in the opinion of the Commission it is possible to do so and it is in the best interest of the particular service within the public service, appointments shall be made from within the particular service by competition, subject to any Regulations limiting the number of appointments that may be made to any specified office in the particular service.

Advertisement of vacancies.

15. Where the Commission considers either that there is no suitable candidate already in the particular service available for the filling of any vacancy or that having regard to qualifications, experience and merit, it would be advantageous and in the best interest of the particular service that the services of a person not already in that service be secured, the Commission may authorise the advertisement of such vacancy.

Selection Boards. [267/2007].

16. (1) The Commission may from time to time appoint one or more Selection Boards to assist in the selection of candidates

for appointment to the public service and the composition of any such Board and the form in which its reports are to be submitted shall be in the discretion of the Commission.

(2) On consideration of any report of a Selection Board, the Commission may, in its discretion, summon for interview any of the candidates recommended by such Board.

(3) Where a Permanent Secretary or Head of Department has issued a notice of vacancy pursuant to regulation 13(5), that Permanent Secretary or Head of Department shall appoint a Selection Board to assist in the selection of a candidate for appointment to the vacancy.

(4) The Selection Board appointed under subregulation (3) shall include the Director or his representative and shall be constituted in accordance with guidelines issued by the Public Service Commission.

(5) A Selection Board appointed under subregulation (3) shall follow the procedures outlined by the Public Service Commission in "Guidelines for the selection of candidates" issued from time to time.

(6) The report of a Selection Board appointed under subregulation (3) shall be submitted to the Public Service Commission for consideration and the Commission may in its discretion summon for interview any of the candidates recommended by that Selection Board.

Examination Boards.

17. (1) All examinations to be held under these Regulations shall be set and the papers marked by such Examination Board as may be appointed for the purpose.

(2) The Director shall be responsible for the conduct of examinations set under subregulation (1).

Principle of selection for promotion.

18. (1) In considering the eligibility of officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with relative efficiency of such officers, and in the event of an equality of

efficiency of two or more officers, shall give consideration to the relative seniority of the officers available for promotion to the vacancy.

(2) The Commission, in considering the eligibility of officers under subregulation (1) for an appointment on promotion, shall attach greater weight to—

(a) seniority, where promotion is to an office that involves work of a routine nature, or

(b) merit and ability, where promotion is to an office that involves work of progressively greater and higher responsibility and initiative than is required for an office specified in paragraph *(a)*.

(3) In the performance of its functions under subregulations (1) and (2), the Commission shall take into account as respects each officer—

(a) his general fitness;

(b) the position of his name on the seniority list;

(c) any special qualifications;

(d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);

(e) the evaluation of his overall performance as reflected in annual staff reports by any Permanent Secretary, Head of Department or other senior officer under whom the officer worked during his service;

(f) any letters of commendation or special reports in respect of any special work done by the officer;

(g) the duties of which he has had knowledge;

(h) the duties of the office for which he is a candidate;

(i) any specific recommendation of the Permanent Secretary for filling the particular office;

(j) any previous employment of his in the public service, or otherwise;

(k) any special reports for which the Commission may call;

(l) his devotion to duty.

(4) In addition to the requirements prescribed in subregulations (1), (2) and (3), the Commission shall consider any specifications that may be required from time to time for appointment to the particular office.

Promotion to Administrative Class. Ch. 23:01. Sub. Leg.

19. Promotion to the Administrative Class as prescribed by the Civil Service Regulations shall be determined by the order of merit in an examination fixed for the purpose, and such examination shall be open to all officers in the Civil Service holding an office not lower than that of Principal Officer or other comparable office.

Seniority lists to be kept up-to-date.

20. (1) The Director shall keep up-to-date seniority lists of all officers holding offices in the several grades in the public service.

(2) The Permanent Secretary or Head of Department shall keep in the prescribed form, up-to-date seniority lists of all officers holding offices in the several grades in his Ministry or Department, for the purpose of making recommendations for promotion and acting appointments.

(3) The seniority of an officer shall be determined by the date of his appointment to the particular grade within the range in which he is serving. The seniority of officers promoted to the same grade from the same date shall be determined by their seniority in their former grade.

(4) Where officers have entered the particular service within the public service by competitive examination and are appointed to the same grade in a range with effect from the same date, the relative seniority of such officers shall be determined according to their performance in such examination.

Seniority of officer to be reckoned from date of appointment or reappointment.

21. The seniority of an officer who voluntarily resigns from the public service and is subsequently reappointed to it shall be reckoned from the date of his reappointment.

Commission to determine seniority.

22. In any case not covered by regulation 20 or 21, the Commission shall determine the seniority of the officer.

Commencing pay.

23. The Commission may authorise payment to an officer of a commencing pay at an incremental point higher than the minimum in the scale attaching to the office to which he is appointed or promoted.

Principles of selection for acting appointment as prelude to appointment.

24. (1) The Permanent Secretary or Head of Department shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 18.

(2) Where, in the exigencies of the particular service, it has not been practicable to apply the principles prescribed in regulation 18, an officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

Permanent Secretary to notify eligible officers of vacancy.

25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not, the Permanent Secretary or Head of Department shall notify those officers within the Ministry or Department who are eligible for consideration.

(2) The Permanent Secretary or Head of Department shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations in relation to such acting appointment, for the purpose of allowing the officers of the Ministry or Department to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any officer in the Ministry or Department, the

Permanent Secretary or Head of Department shall forward such representations in their original form to the Director.

(4) Where a vacancy occurs in an office and an acting appointment falls to be made for a period not likely to exceed twenty-eight days as a result of sudden illness or other very special circumstances, the Permanent Secretary or Head of Department may appoint an officer to act for such period and the provisions of subregulations (1), (2) and (3) shall not apply to such acting appointment.

Principles of selection for acting appointment not as prelude to appointment.

26. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the officer appointed shall—

(a) as a general rule be the senior officer in the Ministry or Department eligible for such acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In submitting any recommendations for an acting appointment, the Commission shall examine whether the exigencies of the particular service would best be served by transferring an officer from another district next in line of seniority to act when there is an officer in the same district who is capable of performing the duties of the higher grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and other expenditure shall be borne in mind.

Permanent Secretary to submit recommendations in advance.

27. The Permanent Secretary or Head of Department shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness, or very special circumstances or in any other circumstances which the Commission may consider appropriate.

Permanent Secretary to state reasons for passing over officers.

28. In submitting recommendations for acting appointments, Permanent Secretaries and Heads of Departments shall state the reasons why officers, if any, are being passed over.

Transfers.

29. (1) Where the Commission proposes to transfer an officer, the Commission shall, except where the exigencies of the particular service do not permit, make an order of transfer in writing and shall give not less than one month's notice to an officer who is to be transferred.

(2) An officer who is aggrieved by an order under subregulation (1) may make representation to the Commission for a review of the order in accordance with subregulation (3).

(3) Where an officer desires to make representation to the Commission for a review of an order made under subregulation (1), he shall give notice in writing to the Permanent Secretary or Head of Department within seven days of the receipt of such order and shall submit, with the notice, his representations in writing.

(4) The Permanent Secretary or Head of Department shall, within seven days, forward any representations made to him in writing under subregulation (3), together with his comments thereon to the Commission.

(5) The Commission shall consider the representations of the officer and the Permanent Secretary or Head of Department submitted to it under subregulations (3) and (4) and shall communicate its decision in writing.

Officer to assume duties pending review of transfer order.

30. (1) Notwithstanding that an officer in respect of whom an order has been made under regulation 29(1) has made representation under subregulations (2) and (3) of the said regulation, the officer shall assume his duties on transfer pending the review of the order by the Commission.

Exception.

(2) Where the order of transfer involves the exchange of an officer in an office in a grade to another office in the same grade, the officer shall not assume his duties on transfer pending the review of the order by the Commission.

Date of appointment.

31. (1) The date of appointment to an office in a particular service within the public service shall normally be the date on which the officer assumes substantively the duties of the office to which he has been appointed.

(2) The date of appointment on promotion shall be such date as the Commission shall specify.

(3) If an officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

Medical examination on appointment.

32. (1) A candidate selected for appointment shall undergo a medical examination by a Government Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

(2) The Permanent Secretary or Head of Department to which the candidate has been assigned, shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his assumption of duty.

(3) The Government Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Director under confidential cover as soon as practicable after the examination.

(4) The Director shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other person except for the purpose of, and as provided for in this regulation, shall be guilty of misconduct and be liable to dismissal from the public service.

Exemption from medical examination.

33. An officer selected for appointment to an office in a service within the public service, other than the particular service in which he holds an office and who has undergone a medical examination by a medical officer in the public service

for appointment to that particular service may be exempted from further medical examination as a candidate on appointment to any other service in the public service.

CHAPTER IV

STAFF REPORTS

Staff Reports.

34. (1) A Permanent Secretary or Head of Department shall forward to the Director in each year—

(a) in respect of all officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and

(b) in respect of all officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Permanent Secretary or Head of Department shall be guided by his own deliberate judgment and shall in such report—

(a) make an unbiased assessment of the officer's performance and conduct over the past twelve months; and

(b) give an indication of the future prospects of the officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

Officer to be informed of adverse report.

35. In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, a Permanent Secretary or Head of Department shall—

(a) as and when such shortcomings are noticed, cause the officer to be informed in writing thereof;

(b) when adverse markings are included in the staff report, cause the officer to be informed in writing thereof before he submits the report to the Director.

36. ***(Revoked by LN 282/1998).***

CHAPTER V

PROBATIONARY APPOINTMENTS

Period of probation on first appointment.

37. Except as otherwise provided in this Chapter, an officer on first appointment to the public service shall be required to serve on probation for a period of two years.

Period of probation on appointment.

38. (1) Where an officer is to be appointed to an office in which he has satisfactorily performed the duties, whether in an acting or temporary capacity or on secondment for periods of equal or longer duration than the period of probation prescribed by regulation 39, the officer shall not be required to serve on probation.

(2) Where an officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed by regulation 39, not more than one year and not less than six months acting service shall be offset against the period of probation.

(3) Where an officer is appointed on probation to an office in which he has not acted satisfactorily, the Commission shall determine the period of probation to be served.

Period of probation on promotion.

39. (1) Subject to regulation 38, an officer who is appointed on promotion to an office shall be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion an officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of subregulation (2), only continuous service of three months or more shall count.

(4) Where an officer is transferred from one Ministry or Department to another, the Permanent Secretary or Head of Department shall take immediate steps to ensure the release of such officer to assume duties in his new office on the date fixed by the Commission.

(5) Where an officer is promoted and transferred from one Ministry or Department to another and the exigencies of the service preclude his assumption of duties in his new office on the date fixed by the Commission, the period of probation shall be deemed to commence from such date.

Waiver of portion of period of probation.

40. Where an officer is promoted before he has completed the full period of probation in the lower office, the unserved portion of that period of probation shall be deemed to be waived and the officer deemed to be confirmed in that appointment.

Principles to be observed while officer on probation.

41. The following principles shall be observed for the treatment of an officer during his period of probation:

(a) the officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;

(b) he shall be accorded all possible facilities for acquiring experience in his duties;

(c) he shall be subject to continual and sympathetic supervision;

(d) so far as the exigencies of the service permit, he shall be assigned to duty only where such observation is possible; and

(e) if at any time during his period of probation he shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at

once be drawn to his attention in writing by the Permanent Secretary or Head of Department and he shall be given such assistance as may be possible to enable him to correct his faults.

Confidential reports on officer on probation.

42. (1) In the case of an officer serving a two-year period of probation, the Permanent Secretary or Head of Department shall submit to the Director three confidential reports as follows:

(a) a first report after the officer has completed one year's service;

(b) an interim report six months before the period of probation expires; and

(c) a final report one month before the period of probation expires.

(2) In the case of an officer serving a period of probation of one year, two confidential reports shall be submitted as follows:

(a) a first report six months before the period of probation expires;

(b) a final report one month before the period of probation expires.

(3) The Director shall report to the Commission whenever a Permanent Secretary or Head of Department fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Permanent Secretary or Head of Department shall make a firm recommendation—

(a) that the officer be confirmed in the appointment; or

(b) that the period of probation be extended; or

(c) that the services of the officer be terminated; or

(d) that the officer revert to his former office.

(5) A report of the Permanent Secretary or Head of Department under this regulation shall not be seen by the officer on probation, but any adverse comments on his work shall be in

specific terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The officer shall retain the original notification and shall sign the duplicate and return it to the Permanent Secretary or Head of Department for the record.

Officer may make representation on recommendation of Permanent Secretary.

43. (1) Before any recommendation is made to the Commission for the extension of the period of probation of an officer or for the termination of his appointment, the Permanent Secretary or Head of Department shall inform the officer of this recommendation and of the specific reasons therefor and he shall invite the officer to submit any representations he may wish to make.

(2) Subject to the provisions of these Regulations, the first appointment on probation of an officer may, at any time during the period of probation, be terminated by the Commission.

Commission to confirm appointment.

44. (1) If, after consideration of the final report of the Permanent Secretary or Head of Department, the Commission is satisfied that the service of an officer on probation has been satisfactory, the Commission shall confirm his appointment with effect from the date of appointment.

(2) If the Commission is not satisfied that the service of an officer on probation has been satisfactory, the Commission may extend the period of probation for a further period.

Incremental date where period of probation extended.

45. Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the officer's increment be paid—

(a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or

(b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

Permanent Secretary to keep record.

46. A Permanent Secretary or Head of Department shall keep a record of every officer who has been appointed on probation to an office in his Ministry or Department.

Permanent Secretary not to allow payment out of public funds in certain circumstances.

47. The Permanent Secretary or Head of Department shall ensure that no payment shall be made out of public funds in respect of any matter requiring the approval of the Commission until such approval has been obtained.

CHAPTER VI

RESIGNATIONS, RETIREMENTS AND TERMINATION OF APPOINTMENTS

Resignation.

48. (1) An officer who wishes to resign shall give to the Commission notice in writing of his intention at least one month before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) Notwithstanding any regulation respecting the non-forfeiture of leave, an officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(3) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

Abandonment.

49. An officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the officer ceases to be an officer.

Reasons for termination of appointment.

50. The services of an officer may be terminated only for the reasons stated hereafter—

(a) where the officer holds a permanent appointment—

(i) on dismissal or removal in consequence of disciplinary proceedings;

(ii) on compulsory retirement;
(iii) on voluntary retirement;
(iv) on retirement for medical reasons;
(v) on being retired in the public interest;
(vi) on resignation without benefits payable under any written law providing for the grant of pensions, gratuities or compensation;
(vii) on the abolition of office;

(b) where the officer holds a temporary appointment—
(i) on the expiry or other termination of an appointment for a specified period;
(ii) where the office itself is of a temporary nature and is no longer necessary;
(iii) on the termination of appointment in the case of an officer on probation;
(iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;
(v) on dismissal or removal in consequence of disciplinary proceedings;
(vi) ill health;

(c) where the officer is on contract his services shall be terminated in accordance with the terms of the contract.

Compulsory and voluntary retirement. [41/2009].

51. (1) Subject to subregulation (2), an officer—

(a) shall be required to retire on attaining the age of sixty years or such other age as prescribed by the Civil Service Regulations; or

(b) may retire voluntarily at the age of fifty-five years; or

(c) may at any time after he attains the age of fifty years and before attaining the age of fifty-five

years, apply to the Commission for permission to retire pursuant to section 15(1) of the Pensions Act and shall in his application state the grounds on which it is based.

Ch. 23:52.

(2) An officer who is a member of the Fire Service and holds a rank therein below that of Second Officer shall retire in accordance with any provision enacted in respect of such office.

Permanent Secretary to notify Director of officers aged 60 years, compulsory.

52. A Permanent Secretary or Head of Department shall inform the Director of all officers in his Ministry or Department who are within one year of the compulsory retirement age.

Premature retirement. Ch. 23:52.

53. (1) If it appears to the Commission that pursuant to section 14 of the Pensions Act an officer who has attained the age of fifty years ought to be called upon to retire from the public service, the Commission shall advise the officer accordingly.

(2) Any such officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commission, after considering the representations, if any, made by the officer, is of the opinion that, having regard to all the circumstances of the case, the officer should be retired in the public interest, the Commission shall require the officer to retire on such date as the Commission shall determine, and the officer shall be retired accordingly.

Retirement in the public interest.

54. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any officer should be required to retire on grounds which cannot suitably be dealt with under any of these Regulations, it shall call for a full report on the officer from the Permanent Secretary or Head of Department in which he is serving and shall take into account the officer's previous record during the last preceding ten years.

(2) If, after considering such report and such record and giving the officer an opportunity of submitting a reply to the

grounds on which his retirement is contemplated, and having regard to the conditions of the particular service of which the officer is a member, the usefulness of the officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall require the officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

Termination of appointment on abolition of office or for facilitating improvement in the organisation of a Ministry or Department.

55. (1) Where an office, being one of a number of like offices, has been abolished but one or more than one such office remains, the Permanent Secretary or Head of Department shall make a report thereon to the Director for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such abolition.

(2) Where it is necessary to retire or remove an officer from the public service for the purpose of facilitating improvement in the organisation of a Ministry or Department in order to effect greater efficiency or economy, the Permanent Secretary or Head of Department shall make a report thereon to the Director for consideration by the Commission, and shall recommend with his reasons therefor, which officer shall be retired or removed from the public service in consequence of such reorganisation.

(3) Where the Permanent Secretary or Head of Department makes any recommendation under subregulation (1) or (2), the Permanent Secretary or Head of Department shall at the same time notify the officer concerned in writing of his recommendations, and such officer may, within seven days of the receipt of the notification, make representations thereon.

(4) Where an officer makes representation in respect of recommendations made under subregulation (1) or (2), the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

(5) Notwithstanding subregulation (1) or (2), and after consideration of the representations of the officer, the Commission may, instead of retiring or removing the officer from the public service, transfer the officer concerned to another office not lower in status than that which he held.

Termination of appointment on grounds of inefficiency.

56. (1) The Commission may terminate the appointment of an officer on grounds of inefficiency.

(2) Where a Permanent Secretary or Head of Department makes a recommendation in writing that the appointment of an officer should be terminated on grounds of inefficiency, the officer shall be informed in writing of such recommendation and shall be given an opportunity to make representations thereon.

(3) Where an officer makes representations under subregulation (2), the representations shall be forwarded in their original form to the Commission by the Permanent Secretary or Head of Department together with such comments as the Permanent Secretary or Head of Department thinks fit.

(4) The Commission may, upon application of the officer or on its own motion, cause an investigation to be made before making a final decision.

57. ***(Revoked by LN 282/1998).***

Medical Boards.

58. (1) A Medical Board shall be held whenever it is necessary for an officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill-health, or in any case or class of case in which the Commission directs.

(2) An officer may be required by the Commission to undergo a medical examination at any time.

(3) An officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Permanent Secretary may direct on behalf of the Board.

(4) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for an officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill health, the Permanent Secretary or Head of Department shall make a recommendation to this effect to the Commission and where there is a medical record of the officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the officer is the reason or one of the reasons for requesting that the officer undergo a medical examination, the Permanent Secretary or Head of Department shall submit, with his recommendation under subregulation (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the officer concerned.

Unfit officers.

59. An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months leave, which ever is the greater, as from the date on which he is notified of his unfitness for further duty.

CHAPTER VII

CONDUCT

60. to 83. ***(Revoked by LN 28/1991).***

CHAPTER VIII

DISCIPLINE

GENERAL

Officer liable to disciplinary proceedings.

84. An officer who is alleged to be guilty of misconduct or who is alleged to be guilty of indiscipline by failing to comply with any regulation, order or directive for the time being in force in the Ministry or Department to which he is assigned, is liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

Definition. [28/1991].

84A. For the purposes of this Chapter, "Head of Department" includes the person occupying or performing the duties of the office of Chief Fire Officer being a public office established by the Fire Service Act, or Commissioner of Prisons being a public office established by the Prison Service Act.

Ch. 35:50.

Ch. 13:02.

Commission to exercise disciplinary control on Permanent Secretary or Head of Department. [28 of 1991].

84B. (1) Where the Commission becomes aware of an allegation of indiscipline or misconduct of an officer being a Permanent Secretary or Head of Department, the Commission shall appoint an officer to investigate such allegation.

(2) Regulation 90(3) to 90(6) inclusive, shall apply in respect of such investigation.

Permanent Secretary to report misconduct or indiscipline. [28 /1991].

85. (1) Where an officer is alleged to have committed an act of misconduct or indiscipline which is a breach of a regulation that is the subject of a delegation to the Permanent Secretary or Head of Department, such act of misconduct or indiscipline shall be referred to an officer senior in office to the officer against whom the report or allegation has been made.

(2) The senior officer referred to in subregulation (1) may charge the officer against whom the report or allegation has been made and refer the charge to the Permanent Secretary or Head of Department.

(3) Where a charge is referred to the Permanent Secretary or Head of Department under subregulation (2), the Permanent Secretary or Head of Department shall act as a disciplinary

tribunal, or appoint, in writing as a disciplinary tribunal, an officer in his Ministry or Department, as the Commission directs, holding or performing the duties of a senior officer who is senior in office to the person charged.

(4) The disciplinary tribunal referred to in subregulation (3) comprising—

(a) the Permanent Secretary or Head of Department may impose in respect of a charge any of the penalties prescribed in regulation 110(1)*(c)* to *(g)*; or

(b) an officer appointed as such under subregulation (3) may impose in respect of a charge any of the penalties prescribed in regulation 110(1)*(f)* or *(g)*.

(5) A fine imposed by a disciplinary tribunal, other than the Permanent Secretary or Head of Department, under subregulation (4) shall not exceed an amount calculated on four days pay to be deducted from the salary of the officer in no more than two instalments.

(6) Where a disciplinary tribunal, other than a Permanent Secretary or Head of Department, finds the officer guilty and is of the opinion that, owing to the special circumstances of the case (including the previous record of the offender), the penalty that could be imposed by it is inadequate it may so certify and refer the matter to the Permanent Secretary or Head of Department.

(7) The Permanent Secretary or Head of Department on receipt of a certificate made under subregulation (6) may impose a penalty prescribed in regulation 110(1)*(c)* to *(g)* inclusive.

(8) A fine imposed by the Permanent Secretary or Head of Department under subregulation (4) shall not exceed an amount calculated on four days pay per month to a maximum of three months.

(9) Where the Permanent Secretary or Head of Department is the person making the allegation or report he shall not exercise any power as a disciplinary tribunal but refer it to the Commission to determine as if it were a matter to which regulation 90 applies.

(l0) Where a disciplinary tribunal during the course of hearing a matter to which this regulation refers is of the opinion that the matter is such that the officer has been inadequately charged with an offence to which subregulation (1) applies, it may so certify and refer the matter to the Permanent Secretary or Head of Department.

(11) The Permanent Secretary or Head of Department shall, no later than three days after receipt of a certificate referred to him in accordance with subregulation (10), refer the matter to an investigating officer to deal with under regulation 90 as if it were a report or allegation of indiscipline or misconduct to which regulation 90 applies.

(12) Regulations 94, 96, 97, 98, 99, 100(1) and 106(2) and (3) apply *mutatis mutandis* in respect of the hearing of a charge to which this regulation applies.

Permanent Secretary may inform Police of offence.

86. Nothing in these Regulations shall be deemed to restrict a Permanent Secretary or Head of Department from reporting to the Police directly where an offence against any law appears to have been committed by an officer.

Commission to issue instructions on how certain cases to be dealt with.

87. The Permanent Secretary or Head of Department shall report any case not covered by these Regulations to the Director and the Commission may issue instructions as to how the case shall be dealt with and the case shall be dealt with accordingly.

Suspension by Commission.

88. (1) When the Commission becomes aware of any act of indiscipline or misconduct and the Commission is of the opinion that the public interest or the repute of the public service requires it, the Commission may direct the officer in writing to cease to report for duty until further notice from the Commission, and an officer so directed shall cease to perform the functions of his office forthwith.

(2) An officer directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to draw full salary until notice is given to him by the Commission under regulation 89.

Interdiction. [28 of 1991].

89. (1) Where there have been or are about to be instituted against an officer—

(a) disciplinary proceedings for his dismissal; or

(b) criminal proceedings,

and where the Commission is of opinion that the public interest requires that that officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be—

(a) where an officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;

(b) where, in accordance with regulation 88, an officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) An officer so interdicted shall, subject to the provisions of regulation 114, be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine, after taking into consideration the amounts being deducted per month from the pay of the officer.

(4) If disciplinary proceedings against any such officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal, the officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) ***(Revoked by LN 28/1991).***

Investigation of charges. [28/1991 238/1998 41/2008].

90. (1) Where a report or allegation of indiscipline or misconduct by an officer is received other than a report or allegation of indiscipline to which regulation 85 applies, the Permanent Secretary or Head of Department shall report the matter to the Director for the attention of the Commission and concurrently warn the officer in writing of the report or allegation of indiscipline or misconduct.

(2) An investigating officer shall be appointed by the Director from the Public Service Investigations Unit to investigate the report or allegation.

(2A) An investigating officer may also be appointed by a Permanent Secretary or Head of Department of the Ministry or Department to which the officer is assigned and shall hold an office in a grade higher than that of the officer.

(3) The investigating officer shall, within three days of his appointment, give the officer a written notice specifying the time, not exceeding seven days from the date of the receipt of such notice, within which he may, in writing, give an explanation concerning the report or allegation to the investigating officer.

(4) The investigating officer shall require those persons who have direct knowledge of the alleged indiscipline or misconduct to make written statements within seven days for the information of the Commission.

(5) The investigating officer shall with all possible dispatch but not later than thirty (30) days from the date of his appointment, forward to the Director of Personnel Administration for the information of the Commission an investigating officer's report consisting of the original statements and all relevant documents together with his own report on the particular act.

(5A) Where the Commission considers that the circumstances before it warrants an extension of time, the period referred to in subregulation (5) may be extended by a period not extending thirty days.

(6) The Commission, after considering the report of the investigating officer and any explanation given under subregulation (3), shall decide whether the officer should be charged with an offence, and if the Commission decides that the officer should be so charged, the Commission shall, as soon as possible, cause the officer to be informed in writing of the charge together with such particulars as will leave the officer under no misapprehension as to the precise nature of the allegations on which the charge is based.

(7) Where, in the explanations given under subregulation (3), the officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further inquiry.

(8) Where the Commission, under section 127 of the Constitution, has delegated to an officer its duty of deciding under subregulation (6) whether an officer shall be charged and of charging such officer with an offence, the reference in subregulations (4), (5), (6) and (7) to the Commission shall be construed as a reference to that officer.

Documents to be supplied to accused.

91. Where an officer is charged with an alleged act of indiscipline or misconduct he shall, as soon as possible, be given a copy of any written explanation he may have made under regulation 90(3).

Officer to admit or deny charge in writing and may include explanation.

92. (1) Where an officer is charged with indiscipline or misconduct the officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish.

(2) Where an officer admits the charge under subregulation (1), he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge.

93. Where an officer—

(a) fails to give an explanation under regulation 90(3); or

(b) fails to admit or deny the charge under regulation 92(1); or

(c) gives an explanation under regulation 90(3), or under regulation 92(1), that—

(i) places the facts in dispute; or

(ii) does not exculpate him,

the hearing shall proceed as though the officer denied the charge.

Witnesses.

94. (1) The officer shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is an officer shall be ordered to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

Appointment of disciplinary tribunal. [173/2000].

95. (1) Where the Commission under regulation 90(6) charges an officer with an alleged act of indiscipline or misconduct and the provisions of regulation 93 apply, the Commission may appoint a disciplinary tribunal to hear and find the facts.

(2) A disciplinary tribunal which the Commission appoints under subregulation (1) may be constituted of—

(a) one officer; or

(b) an uneven number of officers not being less than three.

(3) For the purposes of subregulation (2), a reference to officer includes a reference to a retired officer.

(4) (i) An officer selected under subregulation (2) shall be, or in the case of a retired officer, shall have been, of a grade higher than that of the officer charged.

(ii) An officer selected under subregulation (2) shall in no case be of a grade lower than Clerk IV, or in the case of a retired officer shall not have retired at a grade lower than Clerk IV.

(5) Notwithstanding subregulation (2), the Commission may appoint a tribunal consisting of such other persons as it may consider suitable.

Duty of officers appointed to disciplinary tribunal. [174/2007].

96. (1) It shall be the duty of every officer appointed under regulation 95 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 98 and 102 as soon as possible, and such officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission.

(2) Notwithstanding these Regulations, where an officer referred to in subsection (1) is unable to perform his

functions for whatever reason, the disciplinary tribunal of which he is a member may continue to hear and conclude the case and make a report, but such a tribunal shall not be constituted of less than two members.

Officer on charge not to be permitted leave.

97. An officer who is charged with an alleged act of indiscipline or misconduct shall not be permitted to take leave other than sick leave or maternity leave until the determination of the case.

Procedure at hearing.

98. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a charge of alleged misconduct or indiscipline:

(a) The officer shall be summoned to appear at the hearing and shall be given full opportunity to defend himself.

(b) The case against the officer may be presented by an officer of the Ministry or Department to which the officer is assigned, but such officer shall be the holder of an office in a grade higher than that of the officer charged.

(c) Before the case against the officer is presented, the officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision.

(d) At the hearing before a disciplinary tribunal, the officer may conduct his defence either in person or may be represented by an officer of his choice who is a member of the service, or by his staff association or by an Attorney-at-law; and if the officer is represented by such member, or by his staff association, or by an Attorney-at-law, the officer or his representative may cross-examine the witnesses called in support of the case against him, but where the hearing is before a

disciplinary tribunal constituted of one officer, the officer charged shall not be represented by an Attorney-at-law.

(e) A true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made if the officer desires to make application for a review.

(2) Nothing in this regulation shall be construed so as to deprive the officer from at any time making a submission that the facts disclosed in the evidence do not support the charge.

Adjournment of hearing.

99. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in absence of accused officer.

100. (1) If the officer does not attend the hearing of the charge, without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the disciplinary tribunal by or on behalf of the officer why the officer is unable to attend the hearing, the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the officer, it is impossible to comply with the procedure described in regulation 90(3), regulations 91, 92, 94, and regulation 98(1) shall be dispensed with.

Standard of proof. [28/1991 143/2006].

101. (1) The standard of proof in any proceedings under this Chapter shall be that required in a Court of law in civil cases.

(2) In the hearing of any matter before it the Tribunal may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Ch. 7:02. Evidence Act, but the Tribunal may inform itself on any matter in such manner as it thinks just and may take into account opinion evidence and such facts as it considers relevant but in any such case, the parties to the proceedings shall be given the opportunity if they so desire, of adducing evidence in regard thereto.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(4) Any explanation given by an officer under regulation 90(3) shall be admissible at any hearing.

Tribunal to report. [28/1991].

102. (1) The disciplinary tribunal shall make a report to the Commission, and the report shall contain its findings of fact and an expression of its opinion as to the meaning and value of the facts found, together with the record of the proceedings required by regulation 98(1)*(e)*.

Report confidential.

(2) The disciplinary tribunal shall not disclose the contents of the report made under subregulation (1) to the officer charged, or to any officer not authorised to receive such report.

(3) ***(Deleted by LN 28/1991).***

Disciplinary tribunal may adjourn and report to Commission.

103. (1) Where, during the course of the hearing of a case and before the hearing is concluded by the disciplinary tribunal constituted of one officer, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in regulation 110(1)*(a)* to *(e)*, the disciplinary tribunal shall adjourn the hearing for a period not exceeding 14 days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission.

In this subregulation, a reference to the Commission shall be construed as a reference to the officer to whom the Commission has delegated its powers under section 127 of the Constitution.

(2) Where such officer receives a report of the proceedings, he shall submit that report to the Commission, and if in the opinion of the Commission—

(a) the officer should be charged with an alleged act of indiscipline or misconduct, the Commission shall cause the officer to be so charged and the proceedings before the disciplinary tribunal shall cease; or

(b) the officer, on the findings of fact submitted, may be liable to any one of the penalties specified in regulation 110(1)*(b)* to *(e)*, the Commission may direct the disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal the Commission may impose any one of the penalties specified in regulation 110(1)*(b)* to *(e)*.

Disciplinary tribunal to report where evidence insufficient.

104. (1) Where the disciplinary tribunal constituted of three officers hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall report to the Commission its findings of fact together with the record of the proceedings as required by regulation 98(1)*(e)* without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under subregulation (1) the Commission is of the opinion that the report should be amplified in any respect or that further enquiry is desirable it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

Disciplinary tribunal to report evidence of other misconduct or indiscipline disclosed at hearing of charges.

105. Where the disciplinary tribunal constituted of three officers in hearing the evidence is of the opinion that such evidence discloses other misconduct or indiscipline, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the officer on such misconduct or indiscipline, it shall cause the officer to be informed in writing of any further charges and the procedure prescribed in these Regulations in respect of the original charge shall apply in respect of such charge.

Penalties that may be awarded under delegated authority. [28/1991].

106. (1) The Commission on consideration of the report under regulation 102 may either exonerate the officer or impose the penalty specified in regulation 110(l)*(f)* or *(g)*.

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the officer in writing of its findings

and of the penalty imposed on him, of his right to apply for an appeal to the Public Service Appeal Board and of the time specified in the Public Service Appeal Board Regulations for making such an application. Sub. Leg.

(3) Where the officer—

(i) makes application for an appeal to the Public Service Appeal Board within the time specified in the Public Service Appeal Board Regulations, the penalty shall not take effect pending the determination of the appeal by the Public Service Appeal Board; or

(ii) does not make an application for an appeal to the Public Service Appeal Board, the penalty shall take effect at the expiry of the time specified in the Public Service Appeal Board Regulations for making such an application.

(4) In this regulation a reference to the Commission shall be construed as a reference to the officer to whom the Commission has delegated its powers under section 127 of the Constitution.

Commission to inform officer of penalty imposed and of his right to apply for review. [28/1991].

107. (1) Where on consideration of the report of the findings of fact by a disciplinary tribunal the Commission is of the opinion that—

(a) the officer should be exonerated, the Commission shall exonerate the officer;

(b) the officer should be dismissed, the Commission shall dismiss the officer; or

(c) some penalty other than dismissal should be imposed on the officer, the Commission may impose any of the penalties specified in regulation 110(1)*(b)* to *(g)*.

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the officer in writing of its

findings and the penalty imposed on him, of his right to apply for an appeal to the Public Service Appeal Board and of the time specified in the Public Service Appeal Board Regulations for making such application.

Sub. Leg.

(3) Where the officer—

(i) makes an application for an appeal to the Public Service Appeal Board within the time specified in the Public Service Appeal Board Regulations, the penalty shall not take effect pending the determination of the appeal by the Public Service Appeal Board; or

(ii) does not appeal, the penalty shall take effect at the expiration of the said time.

(4) Where the Commission under subregulation (1) informs the officer that it proposes to impose the penalty of dismissal, the officer, notwithstanding that he gives notice of appeal within the time specified in the Public Service Appeal Board Regulations, shall not receive any pay or allowance from the date of the expiration of such time.

Commission may remove officer in public interest.

108. Where on a consideration of the report of the findings of fact of a disciplinary tribunal as defined in regulation 95(2)*(b)*, the Commission is of the opinion that the officer does not deserve to be dismissed by reason of the charges alleged but that the proceedings disclose other grounds for removing him from the public service in the public interest, the Commission may make an order for the removal of such officer without recourse to the procedure prescribed by regulation 53.

Proceedings in private.

109. The proceedings before a disciplinary tribunal shall be held in private.

Penalties.

110. (1) The following are the penalties that may be imposed by the Commission by disciplinary proceedings brought

against an officer in respect of misconduct, indiscipline, or unsatisfactory service:

(a) dismissal, that is termination of appointment;

(b) reduction in rank, that is, removal to another grade with an immediate reduction in salary;

(c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on the scale of remuneration attached to the particular office;

(d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponement in subsequent years;

(e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;

(f) reprimand;

(g) fine.

(2) Where a fine is imposed the amount of such fine shall be deducted from the pay of the officer in such manner as may be specified at the time the penalty is imposed.

111. to 113. ***(Revoked by LN 28/1991).***

Non-payment of remuneration on conviction of a criminal charge.

114. (1) An officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving—

(a) dishonesty,

(b) fraud, or

(c) moral turpitude,

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

(2) The Commission may direct that an officer convicted of a charge described in subregulation (1) shall cease to perform the duties of his office forthwith.

(3) Notwithstanding that an officer convicted of a charge described in subregulation (1) has appealed against the conviction, such officer shall not receive any pay or allowance after the date of conviction.

CHAPTER IX

REVIEWS

115. to 122. ***(Revoked by LN 28/1991).***

CHAPTER X

MISCELLANEOUS

Application of Regulations to all officers.

123. Chapter VIII of these Regulations shall not apply to persons appointed to act in or appointed temporarily to public offices or engaged on contract for a specified term and on specified conditions, but where the termination of such an appointment is contemplated on grounds of misconduct or unsatisfactory work or conduct, the person holding the appointment shall be given an opportunity to show cause why his appointment shall not be terminated.

Commission facsimile signatures.

124. Where in the performance of his duties, the Chairman, the Deputy Chairman or a member of the Commission is required to sign any document, the Chairman, the Deputy Chairman or a member of the Commission, as the case may be, may sign such document by imprinting thereon a facsimile of his signature.

CHAPTER XI

THE TEACHING SERVICE

PART I

PRELIMINARY

Definitions.

125. In this Chapter—

Ch. 39:01.

"Act" means the Education Act;

"assisted school" means a public school, the Board of Management of which has received or is in receipt of public funds for building or extension or rebuilding or for the equipment and facilities provided for the school;

"Board" means the governing body of an assisted school established under section 15 of the Act;

"Government school" means a public school wholly owned by the Government;

"primary school" means a school for the provision of primary education within the meaning of section 6 of the Act;

"public school" means a Government school or an assisted school;

"teacher" means a person registered as such under the former Education Ordinance, or under the Act and the Regulations, who is a member of the Teaching Service; 27 of 1951.

"Teaching Service" means the unified Teaching Service established under section 53 of the Act.

PART II

APPOINTMENTS

Application for first appointment.

126. (1) Every application for first appointment to an office of teacher in the Teaching Service shall be addressed to the Permanent Secretary on the prescribed form.

(2) The Permanent Secretary shall check every application under subregulation (1) to ensure that the applicant is eligible for appointment to the office of teacher in accordance with the Act and the Regulations made thereunder.

(3) The Permanent Secretary shall forward the applications of all eligible applicants to the Director for submission to the Commission.

Duty of Permanent Secretary to keep separate seniority lists for primary school teachers.

127. (1) The Permanent Secretary in the performance of the duty imposed on him by regulation 20 of keeping up-to-date seniority lists of the Teaching Service shall keep, in respect of teachers holding offices in primary schools—

(a) a seniority list, hereinafter referred to as List "A", of Grade I trained teachers; and

(b) a seniority list, hereinafter referred to as List "B", of Grade I untrained teachers.

(2) For the purpose of determining the seniority of teachers on List "A" the effective date of seniority of the teachers who have taken the Teachers' Diploma shall be the date of passing the Teachers' Provisional Certificate or its equivalent, which, for the purpose, shall be held to be the second year examination of the Teachers' Training College.

(3) Where two or more teachers pass the Teachers' Provisional Certificate Examination or its equivalent on the same date, the teacher who takes the Teachers' Diploma first, shall be the senior.

(4) For the purpose of determining the seniority of teachers on List "B" the effective date of seniority shall be the date of eligibility of the teacher for acceptance into Training College.

(5) List "A" shall be the list employed by the Permanent Secretary for purposes of making recommendations for promotion in the Teaching Service.

(6) The seniority of an officer who voluntarily resigns from the Public Service and is subsequently reappointed to it shall be reckoned from the date of reappointment.

(7) In the case of recruits for training from outside the service, the date of seniority shall be the date of appointment to the Teaching Service.

(8) In addition to the equivalent of the Teachers' Provisional Certificate referred to in subregulations (2) and (3), the School Certificate Grade II or General Certificate of Education equivalent, or any other approved academic or professional qualification, shall be accepted for admission to the former Grade VB or the present Grade I.

Vacancies in Government schools.

128. (1) As soon as it is known that a vacancy will occur in the office of teacher in a Government school, the Permanent Secretary shall communicate the particulars of the vacancy to the

Director in writing and shall, by circular memorandum, advertise such vacant office in all public schools.

(2) A notice published under subregulation (1) shall contain the particulars prescribed by regulation 131(2).

(3) Any teacher may make application for an appointment to any vacant office, notice of which is published under subregulation (1), but the failure to apply shall not prejudice the consideration of the claims of any eligible teacher.

(4) Any application under subregulation (3) shall be addressed to the Permanent Secretary.

(5) The Permanent Secretary shall forward all applications made in response to an advertisement under subregulation (1) to the Director with recommendations regarding the filling of the vacancy.

(6) If, within a month after the date fixed for the receipt of applications to any vacant office advertised under subregulation (1), the Permanent Secretary does not make a recommendation or give a satisfactory explanation for a lack thereof, the Director shall make a report to the Commission and the Commission shall request the Permanent Secretary to inform it of the reasons for failure to request the filling of the vacancy.

Vacancies in assisted schools.

129. (1) As soon as it is known that a vacancy will occur in the office of teacher in an assisted school, the Board shall communicate the particulars of the vacancy to the Permanent Secretary in writing with a request that the vacancy be filled.

(2) On receipt of the particulars of a vacant office of teacher under subregulation (1), the Permanent Secretary shall communicate particulars of the vacancy to the Director in writing and shall, by circular memorandum, advertise such vacant office in all public schools.

(3) A notice under subregulation (2) shall contain the particulars prescribed by regulation 131(2).

(4) Any teacher may make application for an appointment to any vacant office, notice of which is published under subregulation (2), but the failure to apply shall not prejudice the consideration of the claims of any eligible teacher.

(5) The Permanent Secretary shall forward all applications made in response to an advertisement under subregulation (2) to the Board for the Board to make its recommendation regarding the filling of the vacancy.

(6) The Permanent Secretary shall forward to the Director any recommendation made by the Board for the filling of the vacancy with his comments thereon.

(7) If, within a month of the date fixed for the receipt of applications to any vacant office advertised under subregulation (2), the Board does not make any recommendation under subregulation (5) for filling the vacant office, the Director shall require the Permanent Secretary to obtain from the Board, for the information of the Commission, its reasons for the failure to make a recommendation.

Advertising of vacancy by Commission in certain circumstances.

130. Where the Commission, on receipt of the particulars of the vacant office submitted to it under regulation 128 or 129 and on consideration of any recommendation made by the Permanent Secretary under regulation 128 or by the Board under regulation 129 and of the teachers available in the Teaching Service, considers that there is no suitable teacher already in the Teaching Service available for the filling of the vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Teaching Service that the services of a teacher not already in that service or the services of a person eligible to be registered as a teacher be secured, the Commission may authorise the advertisement of the vacancy.

Director to advertise vacancies.

131. (1) Where the Commission authorises the Director to advertise a vacancy in the Teaching Service, the advertisement shall be in such form as the Commission may determine from time to time.

(2) Every advertisement shall contain the following particulars:

(a) the offices that are vacant;

(b) the public schools at which the offices are vacant and whether the schools are assisted schools or Government schools;

(c) the grade of teacher required to fill the vacancies;

(d) the rate of pay and any allowances;

(e) the religious denomination of each assisted school at which there is a vacancy,

and such other particulars as the Commission may determine from time to time.

Duty of Permanent Secretary *re* applications in response to advertisements.

132. Every application made in response to an advertisement under regulation 131 shall be addressed to the Permanent Secretary who shall forward to the Director—

(a) the applications of all eligible applicants for appointment to a Government school;

(b) the applications of all eligible applicants for appointment to an assisted school after submitting such applications to the Board for recommendations to be made by it.

Commission to make appointment to assisted schools.

133. (1) The Board, in making any recommendation for the filling of a vacant office in accordance with regulation 129(5) or of regulation 132, shall apply the principles for selection prescribed by regulation 18 and the Commission shall, subject to subregulation (2), approve the recommendation and make the appointment.

(2) Where the Commission is of the view that the Board had not made a selection in accordance with such principles, the Commission may require the Permanent Secretary to call upon the Board to reconsider its recommendation and make a different recommendation and, in making such request, the Commission shall take into consideration the religious denomination of the school and the religious persuasion of the teacher.

(3) Where the Board under subregulation (2) fails to make a different recommendation within twenty-one days of being requested to do so and gives no explanation of its failure to do so, the Commission may appoint to the vacancy—

(a) a teacher of the religious persuasion of the assisted school, with the approval of the teacher and the Board; or

(b) a teacher of a religious persuasion different from that of the assisted school, with the prior approval of the teacher and of the Board.

TRANSFERS

(GENERAL)

Application for transfer.

134. Every application for an appointment on transfer in the Teaching Service shall be addressed to the Director through the Permanent Secretary on the prescribed form and, in the case of an application from a teacher in an assisted school, through the Board to the Permanent Secretary.

Orders of transfer. Review of orders.

135. (1) Where the Commission proposes to transfer a teacher other than as a result of a request by a Board under regulation 137 the Commission shall, except where the exigencies of the Teaching Service do not permit, make an order of transfer in writing and shall give not less than three months' notice to the teacher who is to be transferred.

(2) Where a teacher has applied for a transfer to a particular public school and the Commission proposes to transfer the teacher, but not to the particular school, the Commission shall, except where the exigencies of the Teaching Service do not permit, make an order of transfer in writing and shall give not less than three months' notice to the teacher.

(3) A teacher who is aggrieved by an order made under subregulations (1) and (2) may make representation to the Commission for a review of the order in accordance with subregulation (4).

(4) Where a teacher desires to make representation to the Commission for a review of an order made under subregulation (1) or (2), such teacher, within fourteen days of the receipt of the order, shall give notice in writing to the Permanent Secretary or, in the case of an assisted school, to the Board, to be forwarded to the Permanent Secretary, and shall submit with the notice his representations in writing.

(5) The Permanent Secretary shall, within seven days of the receipt of any representation made to him in writing under subregulation (4), forward such representation together with his comments or the comments of the Board thereon to the Commission.

(6) The Commission shall consider the representations of the teacher and the Permanent Secretary or the Board, as the case may be, submitted to it under subregulations (4) and (5) and shall record its decision in writing.

Officer to assume duties pending review of transfer order.

136. Notwithstanding that a teacher in respect of whom an order has been made under regulation 29(1) or (2) has made representation under subregulations (3) and (4) of the said regulation the teacher shall assume his duties on transfer pending the review of the order by the Commission.

TRANSFERS

(SPECIAL)

Board of Management may request transfer of teacher.

137. A Board may apply to the Commission to have a teacher transferred from an office in an assisted school if the religious persuasion of the teacher is not satisfactory to the Board, or on moral grounds.

Application to be in writing.

138. An application by a Board under regulation 137 shall be forwarded in writing to the Permanent Secretary together with any statements on which the Board relies to support the application. The Permanent Secretary shall forward such application and the statements to the Commission together with any comments he may make thereon.

Board to give teacher notice of application.

139. Where a Board makes an application under regulation 137, the Board shall within fourteen days give notice to the teacher of the application and shall give the teacher such particulars as will leave him under no misapprehension as to the precise nature of the grounds for the application.

Teacher may make representation.

140. (1) A teacher who has been given notice under regulation 139 may within fourteen days after the receipt of the notice make such representation to the Commission as he may think fit.

(2) Any representation made by a teacher shall be submitted in writing to the Permanent Secretary who, within seven days, shall forward the same, with his comments thereon, to the Commission.

Decision of Commission.

141. The Commission on consideration of the application of the Board and of any representation made by the teacher shall—

(a) if the application for transfer is on the grounds that the religious persuasion of the teacher is unsatisfactory to the Board, transfer the teacher on the occurrence of a suitable vacancy; or

(b) if the application for transfer is on moral grounds, forthwith remove the teacher from the school.

Commission may institute disciplinary proceedings.

142. (1) Where the application of the Board under regulation 137 for the transfer of a teacher is on moral grounds, the Commission is of the view that the alleged acts or omissions complained of constitute misconduct as prescribed by these Regulations, or under the Act, or the Regulations made thereunder or any other Regulations relating to the Teaching Service, the Commission may institute disciplinary proceedings against the teacher.

(2) Where the Commission decides to institute disciplinary proceedings against a teacher under this regulation, the written statements made by persons to the Board and any investigation made by the Board under regulations 138 and 139,

and any representations made by the teacher under regulation 140, shall be substituted for any written statement and explanation that would be otherwise required to be obtained by the Permanent Secretary and investigating officer under regulation 90.

Teacher not to suffer loss of service, etc., through transfers.

143. Subject to regulation 142, a teacher who is transferred from an assisted school on any of the grounds set out in regulation 141, shall retain his status, suffer no reduction in his rate of pay, and allowances and shall retain his seniority in the Teaching Service.

No transfer without consent of Board.

144. (1) Where a teacher who holds an office in an assisted school of a particular religious denomination applies for a transfer to an office of teacher in another assisted school of the same religious denomination or of another religious denomination, the Commission shall not transfer the teacher to the other school without the consent of the Board of the other school.

(2) Where the Board under subregulation (1) fails to give its consent to the transfer, within twenty-one days of being requested to do so by the Permanent Secretary and gives no explanation of its failure to do so, the Commission may transfer the teacher to the other assisted school—

(a) if the teacher is of the religious persuasion of that assisted school, with the approval of the Board of that other assisted school, or

(b) if the teacher is of a religious persuasion different from that of the other assisted school, with the prior approval of the Board of that other assisted school.

(3) Where a teacher is transferred under subregulation (2) from an assisted school of a particular religious denomination, the teacher shall retain his status, suffer no reduction in pay and allowances and shall retain his seniority in the Teaching Service.

Application of Regulations.

145. In the application of these Regulations to the appointment of a person to be a member of the Teaching Service and to the transfer of teachers within that Service, these Regulations shall have effect as if this Chapter were substituted for regulations 11 to 15, and regulations 19, 29 and 30 of Chapter III.

CHAPTER XII

THE FIRE SERVICE

PART I

PRELIMINARY

Definitions. [282/1998]. Ch. 35:50.

146. In this Chapter—

"Act" means the Fire Service Act;

"appropriate form" means the form determined by the Commission under regulation 147;

"candidate" means a person who satisfies the qualifications in respect of an office;

"Chief Fire Officer" means a person appointed to, or performing the duties of, the office of Chief Fire Officer as prescribed in the First Schedule to the Act;

First Schedule.

"Deputy Chief Fire Officer" means a person appointed to, or performing the duties of, the office of Deputy Chief Fire Officer as prescribed in the First Schedule to the Act;

"eligible officer'' means a fire officer who satisfies the qualifications of an office;

"Examinations Board" means the Examinations Board established under the Fire Service (Terms and Conditions of Employment) Regulations;

Sub. Leg.

"fire officers" or "officer'' means a person appointed to an office in the Fire Service;

"fire officer in the First Division" means an officer who holds an office in the First Division as prescribed;

"fire officer in the Second Division" means an officer who holds an office in the Second Division as prescribed;

"performance appraisal report" has the same meaning as in the Fire Service (Terms and Conditions of Employment) Regulations;

Ch. 35:50.

"Service" or "Fire Service" means the Fire Service established by section 3 of the Act;

"transfer" means the movement of an officer from one Division in the Service to another Division in the Service.

PART II

APPOINTMENTS, PROMOTIONS AND TRANSFERS

Commission to determine forms. [282/1998].

147. The Commission may determine—

(a) forms to be used to expedite the procedures as prescribed in this Part;

(b) the manner by which interviews for appointment to an office are to be conducted.

Date of appointment. [282/1998].

148. The date of appointment of a person or an officer to an office is the date the Commission specifies in writing.

Application for appointment as Firefighter. [282/1998].

149. (1) The Chief Fire Officer shall advise the Director of a vacancy in the office of Firefighter within fourteen (14) days of that vacancy occurring.

(2) The Commission may cause the vacancy to be advertised through the Press and electronic media inviting persons to apply.

(3) A person when applying in response to the advertisement shall do so on the appropriate form to the Director.

(4) The Director shall forward the applications to the Chief Fire Officer.

(5) The Chief Fire Officer shall examine the applications and verify that the applicants qualify as candidates in accordance with the qualifications prescribed in the Fire Service (Terms and Conditions of Employment) Regulations and for the purpose of the examination may make enquiries from the Police concerning the character of any applicant. Sub. Leg.

Appointment to office of Firefighter. [282/1998].

150. (1) The Director shall notify all candidates for the office of Firefighter of the place, date and time at which they may present themselves for selection by the Commission.

(2) A candidate who qualifies for appointment to the office of Firefighter is selected on merit by the Commission for appointment on the basis of a practical test devised by the Commission after consultation with the Chief Fire Officer and an interview.

(3) The relative merits of the candidates are determined by the results of performance in the practical test and interview.

(4) The Commission may establish a Selection Board consisting of the Deputy Chief Fire Officer, the officer in charge of the Fire Service School and the Director, or his representative to be not lower than an Executive Director, Human Resource Management, to interview candidates for the office of Firefighter and to make recommendations to the Commission on the candidates.

Application for appointment to an office in the Service (other than Firefighter). [282/1998].

151. (1) The Chief Fire Officer shall advise the Director of a vacancy in an office other than that of Firefighter within fourteen (14) days of that vacancy occurring.

(2) The Director shall, by circular memorandum and by publication in the *Gazette,* give notice of that vacancy and invite applications on the appropriate form from eligible officers in the Service.

Appointment generally to be by competition within the Service. [282/1998].

152. (1) Whenever in the opinion of the Commission it is in the best interest of the Service, and it is possible to do so, an appointment to an office shall be made from within the Service.

(2) A candidate for appointment to an office in the First Division may be chosen from the First or Second Division of the Service.

(3) Whenever the Commission considers either that there is no suitable candidate in the Service available for the filling of any vacancy in the Service or having regard to experience and merit it is advantageous and in the best interest of the Service that the services of a person not already in the

Service be secured, the Commission may fill a vacancy by open competition and may determine the manner in which the vacancy is to be advertised.

Commission may consider eligible officers who fail to apply. [282/1998].

153. The failure of an eligible officer to apply for an office shall not debar the Commission from considering him for the appointment to the office.

Criteria for acting appointment. [282/1998].

154. (1) Subject to regulation 157, the Chief Fire Officer shall ensure that recommendations made in relation to an acting appointment are based on the criteria prescribed in regulation 158.

(2) Where, in the exigencies of the Service it is not practicable to apply the principles prescribed in regulation 158, the fire officer selected for an acting appointment shall not be given any preference over other eligible officers for a substantive appointment.

Officers to be informed of acting appointment. [282/1998].

155. (1) Subject to regulation 157, where an acting appointment falls to be made by the Commission, the Chief Fire Officer shall notify all eligible fire officers.

(2) For the purpose of subregulation (1), the notice may be in respect of an acting appointment which falls to be made within a period specified in the notice.

(3) The Chief Fire Officer shall allow a period of seven (7) days to elapse after the issue of the notice before forwarding any recommendations to the Director for the purpose of allowing the fire officers to make representations in respect of that acting appointment.

(4) Where representations are made to the Chief Fire Officer by or on behalf of a fire officer, the Chief Fire Officer shall forward the representations in their original form to the Director.

(5) When submitting recommendations to the Commission for an acting appointment to an office, the Chief Fire Officer shall advise the Commission of the reasons why an eligible fire officer who is more experienced than the recommended officer is being passed over.

Chief Fire Officer to submit recommendations in advance. [282/1998].

156. Except in very special circumstances or in cases of sudden illness, the Chief Fire Officer shall submit his recommendation for an acting appointment to an office no later than twenty-eight (28) days preceding the date on which the acting appointment is intended to become effective.

Acting appointment in special circumstances. [282/1998].

157. (1) Where an acting appointment falls to be made as a result of sudden illness or other special circumstances for a period not exceeding twenty-eight (28) days, the Commission may appoint, as a general rule, the most experienced eligible officer from within the Division in which the acting appointment is to be made.

(2) In making an acting appointment under subregulation (1) the Commission shall—

(a) examine whether the exigencies of the Service are best served by appointing an eligible fire officer from another Division to act when there is an eligible officer in the Division; and

(b) take into account additional Government expenditure for travelling and subsistence allowances and other related expenses.

Criteria for promotion. [282/1998].

158. (1) In considering eligible fire officers for promotion, the Commission shall take into account the experience, educational qualifications, merit and ability, together with the relative efficiency of those fire officers.

(2) Where the Commission has to select an officer for promotion from officers who appear to be of equal merit, the Commission shall determine its selection on the basis of the relevant and relative experience of the officers.

(3) In the performance of its functions under subregulation (1), the Commission shall take into account as regards each fire officer—

(a) his general fitness;

(b) any special qualifications;

(c) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);

(d) the evaluation of the officer's performance as reflected in his performance appraisal report;

(e) any letters of commendation or special report in respect of any special work done by the fire officer;

(f) the duties to be performed in the office of which the fire officer has experience;

(g) demonstrated skills and ability relevant to the office;

(h) any specific recommendation of the Permanent Secretary or Chief Fire Officer for the filling of the particular office;

(i) any previous, relevant employment of his in the Service, the public service, or elsewhere;

(j) any special report for which the Commission may call;

(k) his devotion to duty.

Performance appraisal report. [282/1998].

159. The Chief Fire Officer or Permanent Secretary shall submit to the Director, a performance appraisal report in respect of each officer not later than the anniversary of the date of appointment of that officer to his substantive office or at a date the Commission directs.

Process of promotion in the Fire Service. [282/1998].

160. (1) Where a vacancy in an office occurs, the Chief Fire Officer shall, after taking into account the criteria specified in regulation 158, submit to the Commission—

(a) a list of the eligible officers he recommends for promotion to an office; and

(b) a list of the eligible officers who are not being considered for promotion who have—

(i) served in the lower office for a longer period than that served by the recommended eligible officer;

(ii) more experience than that of the recommended eligible officer in performing the duties of the office; or

(iii) performed the duties of the office for a period of six (6) months or more.

(2) The Chief Fire Officer shall advise in writing an officer referred to in paragraph *(b)* of subregulation (1) of his being omitted from the list for promotion together with reasons.

(3) An officer who is advised under subregulation (2) may make representations to the Commission within seven (7) days of the date of that advice.

(4) The Commission may invite that officer for an interview on the basis of his representations.

(5) The Commission shall advise an officer making representations under this regulation of the outcome of his representations.

Transfer. [282/1998].

161. (1) Where the Commission transfers an officer, the Commission shall, except where the exigencies of the Service do not permit, notify the officer in writing of the transfer not less than thirty (30) days of the date of proposed assumption of duties in the Division to which he is transferred.

(2) An officer who is aggrieved by the transfer under subregulation (1) may make representations to the Commission for a review of the transfer in accordance with subregulation (3).

(3) Where an officer desires to make representations to the Commission for a review of the transfer under subregulation (1), he shall submit his representations in writing to the Chief Fire Officer within seven (7) days of the receipt of the notice of the transfer.

(4) The Chief Fire Officer shall, within seven (7) days, forward to the Commission any representations made to him in writing under subregulation (3), together with his comments.

(5) The Commission shall consider the representations of the officer and the comments of the Chief Fire Officer submitted to it under subregulations (3) and (4) respectively, and shall communicate its decision to both parties in writing.

(6) Subject to subregulation (7), notwithstanding that an officer in respect of whom a notice has been made under subregulation (1) has made representations under subregulations (2) and (3), the officer shall assume his duties on transfer pending the review of the transfer by the Commission.

(7) Where the transfer involves the exchange of officers in the same grade the officers affected by the transfer shall not assume their duties on transfer pending the review of the notice by the Commission.

162. (N.B.—*LN 282/1998 which amended the Regulations did not contain regulation 162).

PART III

CONFIRMATION

Confirmation or otherwise. [282/1998].

163. (1) The Commission, when confirming or terminating the appointment of an officer on probation, shall take into account the probation reports and the performance appraisal reports submitted to it by the Chief Fire Officer in accordance with the Fire Service (Terms and Conditions of Employment) Regulations. Sub. Leg.

(2) If, after considering the final probation report referred to in subregulation (1), the Commission is satisfied that the officer is a fit person to perform the duties of the office, the Commission shall confirm his appointment.

(3) Where a report referred to in subregulation (1) contains adverse comments on the performance of the officer, the Commission before terminating the appointment of the officer on probation shall consult with the officer who is the subject of the report.

**See* Note on Page 3.

(4) The Commission may terminate an officer's first appointment on probation at any time during the probationary period referred to in the Fire Service (Terms and Conditions of Employment) Regulations, where it is satisfied that— Sub. Leg.

(a) the person's performance of duty is not satisfactory for the purposes of confirmation; or

(b) the person has not passed the medical examination in accordance with regulation 19(1) of the Fire Service (Terms and Conditions of Employment) Regulations.

(5) Where the Commission confirms the promotion of an officer in a higher office before he has completed the full period of probation in a lower office to which he has been appointed, the Commission shall confirm the officer in that lower office.

***PART IV**

RESIGNATION, RETIREMENT

Resignation. [282/1998].

163A. (1) Subject to subregulation (2), where an officer gives notice of his intention to resign in writing, the Commission shall accept his resignation notwithstanding that it may not comply with a lawful requirement relating to the period of notice, without prejudice to any regulation regarding the forfeiting of leave and the benefits and privileges accruing to that officer in respect of leave.

(2) An officer is not entitled to withdraw his notice of resignation before that resignation becomes effective but the Commission may accept the withdrawal if tendered in writing before the effective date of the resignation.

Removal on abandonment. 267/1998. [282/1998]. Sub. Leg.

163B. (1) Where the Permanent Secretary advises the Commission in accordance with regulation 45(3) of the Fire Service (Terms and Conditions of Employment) Regulations, that an officer has abandoned his office, the Commission before declaring the officer to have resigned from office shall afford the officer reasonable opportunity to make representations regarding the declaration.

**See* Note on Page 3.

(2) When the Commission declares an officer to have resigned his office under subregulation (1), that office shall immediately become vacant and the officer ceases to be an officer.

Retirement. [282/1998].

163C. The Commission shall retire an officer from the Service where that retirement conforms with any written law which permits or requires the officer to retire from the Service.

Commission to issue instructions on matters not dealt with in Regulations *re* fire officer. [282/1998].

163D. In any matter not referred to in these Regulations in their application to a fire officer, the Commission may issue instructions as to how the matter shall be dealt with and the matter shall be dealt with accordingly.

CHAPTER XIII

THE PRISON SERVICE

PART I

PRELIMINARY

Definitions.

Ch. 13:02.

164. In this Chapter—

"Act" means the Prison Service Act;

"Commissioner" means the Commissioner of Prisons;

"prison officer" means a member of the Prison Service;

"Prison Service" or "Service" means the Prison Service established under the Act.

PART II

APPOINTMENTS, PROMOTIONS AND TRANSFERS

Commission to determine form of application.

165. The Commission shall prescribe from time to time the form and manner in which—

(a) applications are to be made for appointment to the Prison Service;

(b) interviews are to be conducted for entry into the Prison Service.

Application for appointment of Prison Officer I. [108/1991].

166. (1) Every application for appointment to the office of Prison Officer I shall be made in writing to the Director or by personal appearance in response to any advertisement issued by the Director through the press and radio, stating the place, date and time at which a candidate may present himself for selection.

(2) A Superintendent of Prisons shall make a preliminary selection of candidates who have the prescribed qualifications and may, for the purpose of making such selection, require enquiries to be made respecting the character of any candidate.

(3) A candidate selected under subregulation (2) shall be required to take such education test as may be prescribed, and if the candidate is successful he shall be required to pass a medical test.

(4) A candidate who qualifies for appointment to the office of Prison Officer I shall be interviewed by a Selection Board consisting of the Deputy Commissioner of Prisons, a Superintendent of Prisons other than the one referred to in subregulation (2) and the officer in charge of the Prison Service Training School.

(5) The candidates shall be placed in order of merit on the basis of the educational test and the interview.

Appointment of office in senior grade.

167. (1) Every application for appointment to an office of Prison Assistant Superintendent and offices in higher grades shall be made in writing to the Director on the prescribed form.

(2) A candidate who has the prescribed qualifications may be selected for appointment to the office of Prison Superintendent, either from an office in a lower grade or on an open competitive basis prescribed by the Commission.

Establishment of Promotions Advisory Board. [107/2000].

168. (1) *(a)* A prison officer may apply to the Commission to be allowed to take the Promotion Examination for Prison Officer II when he has been in the Service for at least two years.

(b) A prison officer in a grade lower than that of Prison Assistant Superintendent who has passed an Examination

for Promotion to Prison Officer II may apply to the Commission to be allowed to take any promotion examination.

(c) A prison officer who is successful in a promotion examination may be considered for promotion in accordance with this regulation.

(2) The Commissioner of Prisons shall, after taking into account the criteria (specified in regulation 172), submit to the Commission a list of the Officers in the Second Division—

(a) whom he considers suitable for promotion to an office; and

(b) who are not being considered for promotion yet but who have served in the Service for a longer period in an office, or who have more experience in performing the duties of that office than the officers being recommended.

(3) The Commissioner shall also advise those officers referred to in subregulation 2*(b)* of their omission from the list for promotion, together with the reasons for such omission.

(4) An officer who is advised under subregulation 2*(b)* may make representations on his own behalf to the Commission within fourteen days of being so advised and the Commission may invite him for interview on the basis of his representations.

(5) The Commission shall advise those officers making representations under this regulation of the outcome of their representations.

(6) The Commission may, after considering all the representations made, endorse or otherwise, the recommendations of the Commissioner when promoting an officer.

169. ***(Revoked by LN 107/2000).***

170. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the Service, appointments shall be made from within the Service in accordance with these Regulations.

Appointments to be by competition within the Prison Service.

Advertisement of vacancies.

171. Where the Commission considers either that there is no suitable candidate already in the Prison Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interest of the Service that the services of a person not already in the Service be secured, the Commission may authorise the advertisement of such vacancy.

Principles of selection for promotion.

172. (1) In considering the eligibility of prison officers for promotion, the Commission shall take into account the seniority, experience, educational qualifications, merit and ability, together with the relative efficiency of such prison officers and, in the event of an equality of efficiency of two or more prison officers, shall give consideration to the relative seniority of the prison officers available for promotion to the vacancy.

(2) In the performance of its functions under subregulation (1), the Commission shall take into account as regards each prison officer—

(a) his general fitness;

(b) his position on the seniority list and on the list of results of the promotion examinations;

(c) any special qualifications;

(d) any special courses of training that he may have undergone (whether at the expense of Government or otherwise);

(e) an evaluation of the officer's overall performance as reflected in the annual staff reports;

(f) any letters of commendation or special reports in respect of any special work done by the prison officer;

(g) the duties of which he has had knowledge;

(h) any specific recommendation of the Permanent Secretary for filling the particular office;

(i) any previous employment of his in the Service or in the Public Service, or otherwise;

(j) any special reports for which the Commission may call;

(k) his devotion to duty.

Director and Commissioner to keep seniority lists.

173. (1) The Director shall keep up to date seniority lists of all prison officers.

(2) The Commissioner shall ensure for purposes of making recommendations for promotion and acting appointments that up to date seniority lists are kept of all prison officers showing in respect of each officer the date of appointment to his present office, date of appointment to his previous office, and date of first appointment in the Service.

(3) The seniority of a prison officer shall be determined by the date of his appointment to the particular office in which he is serving. The seniority of prison officers promoted to the same office from the same date shall be in accordance with their seniority in their previous office.

(4) Where prison officers have entered the Service by competitive examination and are appointed to the same office with effect from the same date, their relative seniority shall be determined according to the order of merit in which they were placed in the examination and interview.

(5) Where any doubts arise with respect to the seniority of a prison officer, the Commission shall determine the seniority of such prison officer.

174. to 176. ***(Revoked by LN 28/1991).***

Commissioner to submit recommendations in advance.

177. Except in very special circumstances or in cases of sudden illness, the Commissioner shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective.

Commissioner to state reasons for passing over officers.

178. In submitting recommendations for acting appointments in any office, the Commissioner shall state the reasons why prison officers, if any, are being passed over.

Rule where power to appoint delegated.

179. Where the Commission delegates its power to the Commissioner to appoint a prison officer to act in an office and such acting appointment falls to be made as a result of sudden illness or other very special circumstances for a period not likely to exceed twenty-eight days, the provisions of *regulation 176 shall not apply.

PART III

DISCIPLINE

180.
181. } ***(Revoked by LN 28/1991).***

Regulation 3(1).

FIRST SCHEDULE

FORM I

OATH OR AFFIRMATION OF OFFICE

I, ... do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman/member of the Public Service Commission in the exercise of the powers vested in the Public Service Commission under the Constitution, and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty.

So help me God.

Sworn/Declared before me this ..... day of ....., 20.....

.....
Judge of High Court

*Regulation 176 was revoked by LN 28/1991.

FORM II

Regulation 3(2).

OATH OR AFFIRMATION OF OFFICER OF THE COMMISSION

I, ... do swear/solemnly declare and affirm that I will not directly or indirectly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/...../..... to the said Commission.

So help me God.

Sworn/Declared before me this ..... day of ....., 20.....

.....
Judge of High Court

NOTE ON SECOND SCHEDULE

Regulation 73 which dealt with the incurring of debts by an officer has been revoked by LN 28/1991.

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*SECOND SCHEDULE

Regulation 73(2).

FORM 1

RETURN OF INDEBTEDNESS

As at ..... 20.....

Name: .....

Married/Single .....

Office held: .....

Number of dependants .....

Ministry/Department.....

Salary: ....

Salary after deductions .....

TO WHOM INDEBTED		Reason for which debt was incurred	How secured	Terms of repayment	Amount now outstanding
Name	Date incurred				
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Date .....20 .....

Signature .....

*(**N.B.**—*See* **Note on Second Schedule at page 129).**

POLICE SERVICE COMMISSION REGULATIONS

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POLICE SERVICE COMMISSION REGULATIONS

*131/1966.

†*deemed to be made under section 129 of the Constitution*

CHAPTER I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Police Service Commission Regulations.

Interpretation.

Ch. 15:01.

2. In these Regulations—

"Act" means the Police Service Act;

"acting appointment" means the temporary appointment of a police officer whether on promotion to a higher office or otherwise whether that office is vacant or not;

"appointment" means the appointment of a person in an office in the Police Service;

"the Chairman" means the Chairman of the Commission;

"the Commission" means the Police Service Commission constituted under section 122 of the Constitution;

"the Commissioner" means the Commissioner of Police;

"the Constitution" means the Constitution of the Republic of Trinidad and Tobago;

"Director" means the Director of Personnel Administration;

"police officer or officer" means a member of the Police Service;

"police officer in the First Division" means a police officer who holds an office specified in the First Schedule of the Police Service Act;

"police officer in the Second Division" means a police officer who holds an office specified in the Second Schedule of the Police Service Act;

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* These Regulations are amended by LNs 106/1968; 7/1969; 80/1969; 47 of 1980; 99/1987; 214/1990; 25/1993; 175/1993; 41/1995; 79/1995; 43/2001; 58, 80, 91, 92 and 144/2006.

† These Regulations were made under section 102 of the former Constitution, and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

"promotion" means the appointment of a police officer to an office in the Police Service in a range carrying a higher remuneration;

"Police Service" or "Service" means the Police Service established under the Police Service Act; Ch. 15:01.

"public service" means the public service as defined in section 3 of the Constitution.

CHAPTER II

THE POLICE SERVICE COMMISSION

Oath of office.

3. (1) The Chairman and other members of the Commission shall, as soon as practicable after appointment, take the oath or make the affirmation in the form set out as Form 1 of the First Schedule. Form 1. First Schedule.

(2) Every person appointed a member of the staff of the Commission shall, as soon as possible after appointment, take the oath or make the affirmation set out as Form 2 of the First Schedule. Form 2. First Schedule.

Meetings.

4. (1) The Commission shall meet as often as may be necessary for the purpose of performing its functions and such meetings shall be held on such days and at such times and place as the Chairman shall determine.

(2) Where a member fails to attend at least one meeting in any one month over a period of three months without reasonable excuse, the Commission shall make a report to the President.

Procedure, quorum and voting.

5. (1) The Chairman shall preside at meetings of the Commission, and in the absence of the Chairman from any meeting, the members present shall elect one of their number to preside at that meeting.

(2) At any meeting of the Commission three members shall constitute a quorum.

(3) All questions for discussion at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting.

(4) The Chairman or other member presiding at a meeting shall have an original vote, and in the event of an equality of votes, he shall have as well a second or casting vote.

Decisions other than at meetings.

6. (1) Notwithstanding regulation 5 but subject to subregulation (2), questions may also be decided by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing and in such case the decision shall be the view of the majority of members expressing a view.

(2) If any member requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Commission, no decision shall be made on that matter or question except at a meeting of the Commission.

Record of meetings and decisions.

7. (1) The Director shall ensure that Minutes of all meetings of the Commission and of all decisions arrived at under regulation 6 shall be duly recorded and kept and that the same be presented for confirmation by the Commission as soon as practicable at a subsequent meeting or by individual members on circulation thereof.

Dissents.

(2) Any member of the Commission who dissents from a decision may require that his dissent and reasons for dissenting be recorded in the Minutes.

Consultation with other persons.

8. (1) The Commission in considering any matter or question may consult with any police officer or public officer or other person as the Commission may consider proper and desirable and may require any police officer to attend for the purpose of assisting the Commission in its deliberations and producing any official documents relating to such matter or question.

(2) Where a public officer other than a police officer fails to comply with the provisions of this regulation, the Commission shall report the public officer to the appropriate Service Commission for consideration by that Service Commission.

Non-compliance.

9. (1) A police officer who, without reasonable cause or excuse, fails to appear before the Commission when required to do so, or fails to comply with any request made by the Commission, or with any requirement of these Regulations, is guilty of an offence.

(2) A police officer who is guilty of an offence under this regulation shall be liable to be dismissed from the Service.

Instrument of delegation to be published.

10. (1) Whenever the Commission delegates any of its powers in accordance with section 127(1) of the Constitution, the Director shall publish such delegation by notice in the *Gazette*.

(2) A notice published under subregulation (1) shall contain the following information:

(a) the powers delegated;

(b) the person or persons to whom such delegation is made;

(c) the extent of such delegation;

(d) the terms and conditions of such delegation and the manner in which matters dealt with under such delegated authority may reach the Commission.

(3) Any power so delegated shall be exercised in such manner as the Commission shall direct.

(4) Every delegation under this regulation shall be revocable.

Commission may sign by impression of signature.

11. Where in the performance of his duties the Chairman or a member of the Commission is required to sign any document, the Chairman or a member of the Commission, as the case may be, may sign such document by impressing thereon a facsimile of his signature.

CHAPTER III

APPOINTMENTS, PROMOTIONS AND TRANSFERS

Commission to determine form of application.

12. The Commission may prescribe from time to time the form and manner in which—

(a) applications are to be made for appointment to the Police Service;

(b) examinations and interviews are to be conducted for entry into the Police Service.

Application for appointment of constable. [25/1993].

13. (1) Every application for appointment to the office of constable shall be made in writing to the Director or by personal appearance in response to any advertisement issued by the Director through the press and radio, stating the place, date and time at which a candidate may present himself for selection.

(2) The Superintendent in charge of a Division shall make a preliminary selection of candidates who have the qualifications prescribed in regulation 4(1)*(a)* to *(d)* of the Police Service Regulations. Ch. 15:01. Sub. Leg.

(3) A candidate selected shall be required to take an education test prescribed by regulation 4(1)*(e)* of the Police Service Regulations, and if the candidate is successful he shall be required to pass a medical test. Ch. 15:01. Sub. Leg.

(4) A candidate who qualifies for appointment to the office of constable shall be interviewed by a Selection Board consisting of the Deputy Commissioner, an Assistant Commissioner, the Superintendent in charge of the Police Training School and the Director of Personnel Administration or a public officer representing the Director of Personnel Administration.

(5) The candidates shall be placed in order of merit on the basis of the education test and the interview.

Appointment to an office in the First Division. [99/1987].

14. Every application for appointment to an office in the First Division shall be made in writing to the Director on the prescribed form.

Appointment to an office in the Second Division. [144/2006].

14A. (1) An officer in the Second Division may apply to the Commission to be allowed to take the Corporal examination when he has been in the Service for at least three years except where the period is waived by virtue of the officer's possessing educational qualifications that are equivalent, or superior, to those prescribed in regulation 8(3) of the Police Service Regulations. Ch. 15:01. Sub. Leg.

(2) An Officer in the Second Division who has successfully passed the Corporal examination may apply to the Commission to be allowed to take the Sergeant's Examination.

(3) A Police Officer who is successful in a promotion examination may be considered for promotion in accordance with regulation 15.

Promotion to an office in the Second Division. [79/1995].

15. (1) The Commissioner shall, after taking into account the criteria specified in regulation 20, submit to the Commission a list of the officers in the Second Division—

(a) whom he considers suitable for promotion to an office; and

(b) who are not being considered for promotion yet but who have served in the Service for a longer period in an office, or who have more experience in performing the duties of that office, than the officers being recommended.

(2) The Commissioner shall also advise those officers referred to in subregulation (1)*(b)* of their omission from the list for promotion, together with the reasons for such omission.

(3) An officer who is advised under subregulation (2) may make representations on his own behalf to the Commission within fourteen days of being so advised and the Commission may invite him for interview on the basis of his representations.

(4) The Commission shall advise those officers making representations under this regulation of the outcome of their representations.

(5) The Commission may, after considering the representations made, endorse, or otherwise, the recommendations of the Commissioner when promoting an officer.

Resitting of examination. [7/1969].

16. (1) If a police officer has been successful in a promotion examination held after the coming into operation of these Regulations and that police officer is not appointed on promotion within three years of his passing of that examination, he shall in order to qualify for promotion resit and pass such an examination.

(2) A police officer who has passed an examination for promotion to a particular office prior to the coming into operation of these Regulations shall not be required to resit such an examination in order to qualify for promotion to that office.

Appointments to be by competition within the Police Service. [58/2006].

17. Whenever in the opinion of the Commission it is possible to do so and it is in the best interest of the Police Service, appointments shall be made within the Police Service by competition, subject to any regulations limiting the number of appointments that may be made to any specified office within the Police Service.

Advertisement of vacancies.

18. Where the Commission considers either that there is no suitable candidate already in the Police Service available for the filling of any vacancy or that having regard to qualifications, experience and merit it would be advantageous and in the best interests of the Service that the services of a person not already in the Service be secured, the Commission may authorise the advertisement of such vacancy.

Examination Boards.

19. (1) All examinations in the Police Service shall be set and the papers marked by such Examination Board as may be appointed for the purpose.

(2) The Director shall be responsible for the conduct of examinations set under subregulation (1).

Principles of selection for promotion. [79/1995 58/2006].

20. (1) When considering officers for promotion, the Commission shall take into account the experience, the merit and ability, the educational qualifications and the relative efficiency of such officers.

(2) In the performance of its functions under subregulation (1), the Commission shall in respect of each police officer take into account—

(a) his general fitness;

(b) any special qualification that he possesses;

(c) any special courses of training that he may have undergone, whether at the expense of Government or otherwise;

(d) the evaluation of his overall performance as reflected in his performance appraisal reports;

(e) any letters of commendation or special reports in respect of any special work done by him;

(f) the duties of which he has had knowledge;

(g) any specific recommendation of the Commissioner for filling the particular office;

(h) any previous employment of his in the Service or otherwise;

(i) any special reports for which the Commission may call;

(j) his devotion to duty;

(k) the date of his entry into the Service;

(l) the date of his appointment in his present office.

(3) In addition to the requirements prescribed in subregulations (1) and (2) the Commission shall take into account any specifications that may be required from time to time for appointment to the particular office.

21.
22. } ***(Revoked by LN 79/1995).***

Principles of selection for acting appointment.

23. (1) The Commissioner shall ensure that any recommendation made in relation to an acting appointment as a prelude to a substantive appointment shall be based on the principles prescribed in regulation 20.

(2) Where in the exigencies of the Service, it has not been practicable to apply the principles prescribed in regulation 20, a police officer selected for an acting appointment in consequence of a recommendation made under subregulation (1) shall not thereby have any special claim to the substantive appointment.

(3) In considering the claims of eligible candidates for a substantive appointment, the Commission shall take into account the claims of all eligible officers.

Principles of selection for acting appointment not as prelude to appointment.

24. (1) Where an acting appointment falls to be made otherwise than as a prelude to a substantive appointment, the police officer appointed shall—

(a) as a general rule be the senior police officer eligible for such acting appointment;

(b) assume and discharge the duties and responsibilities of the office to which he is appointed to act.

(2) In making an acting appointment under subregulation (1), the Commission shall examine whether the exigencies of the Service would best be served by appointing a police officer next in line of seniority from another division to act when there is a police officer in the same division who is capable of performing the duties of the higher grade, and in such examination the question of additional Government expenditure for travelling and subsistence allowances and any other expenditure shall be borne in mind.

Commissioner to notify eligible police officers of vacancy.

25. (1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not the Commissioner shall notify the police officers who are eligible for consideration.

(2) The Commissioner shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations for the filling of such vacancy, for the purpose of allowing the police officers to make representations on the filling of such vacancy.

(3) Where representations have been made by or on behalf of any police officer, the Commissioner shall forward such representations in their original form to the Director.

Commissioner to submit recommendations to Commission in advance.

26. The Commissioner shall submit, well in advance, recommendations for acting appointments to permit of their consideration by the Commission before the date on which the acting appointment is intended to become effective, but the Commission may waive the provisions of this regulation where the necessity to submit recommendations has been occasioned by sudden illness or very special circumstances or in any other circumstances which the Commission may consider appropriate.

Commissioner to state reasons for passing over officers.

27. In submitting recommendations for acting appointments in any office, the Commissioner shall state the reasons why police officers, if any, are being passed over.

Transfers. [79/1995].

28. (1) Where the Commission proposes to transfer a police officer, the Commission shall, except where the exigencies of the Service do not permit, make an order of transfer in writing and shall give not less than fourteen days notice to the officer who is to be transferred.

(2) In considering the transfer of a police officer, the Commission shall take into account any hardship that such transfer may occasion to the officer.

(3) ***(Deleted by LN 79/1995).***

Date of appointment.

29. (1) A police officer's date of appointment shall normally be the date on which he assumes the duties of the office to which he has been appointed.

(2) If a police officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

Medical examination.

30. (1) A candidate selected for first appointment to the Police Service shall undergo a medical examination by a Government Medical Officer and shall not be confirmed in his appointment unless and until he has been passed as medically fit.

(2) The Commissioner shall make appropriate arrangements for the new appointee to be medically examined as soon as practicable after his selection for first appointment.

(3) The Medical Officer who examines the new appointee shall submit his medical report on the prescribed form to the Director as soon as practicable after the examination.

(4) The Director shall inform the new appointee whether the medical report is favourable or unfavourable.

(5) All communications relating to the medical report on a new appointee shall be strictly confidential and any officer who communicates the details of any such medical report to any other

person, except for the purpose of, and as provided for, in this regulation, is guilty of an offence and liable to dismissal from the Police Service.

(6) Where the officer who commits a breach of subregulation (5) is not a police officer, the Commission shall report the officer to the appropriate Service Commission for consideration by that Service Commission.

CHAPTER IV

STAFF REPORTS

Staff reports.

31. (1) The Commissioner shall forward to the Director in each year—

(a) in respect of all police officers who are within the scale of pay, a staff report not later than sixty days before an increment is due to an officer; and

(b) in respect of all police officers who are at the maximum in the scale of pay or who receive a fixed pay, a staff report not later than the anniversary of the date of appointment of an officer to the office.

(2) A staff report shall relate to the period of service during the immediately preceding twelve months.

(3) In the preparation of a staff report, the Commissioner shall be guided by his own deliberate judgment and shall in such report—

(a) make an unbiased assessment of the police officer's performance and conduct over the past twelve months; and

(b) give an indication of the future prospects of the police officer.

(4) A staff report shall be in such form as may from time to time be prescribed by the Commission and shall be made in respect of every police officer whether he holds an acting appointment, a temporary appointment or is employed for a specified period.

Officer to be informed of adverse report.

32. In order that a police officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on, the Commissioner shall—

(a) as and when such shortcomings are noticed, cause the police officer to be informed in writing thereof;

(b) when adverse markings are included in the staff report, cause the police officer to be informed in writing thereof before he submits the report to the Director.

Annual increments.

33. (1) A staff report made in respect of an officer under regulation 31 shall be the basis for determining the eligibility of an officer for—

(a) an increment; and

(b) promotion.

(2) Where the Commissioner, in a report made under regulation 31, recommends that an increment ought not to be granted, he shall notify the police officer in writing, not later than sixty days before the increment is due, of the reasons for which he considers that the increment ought not to be granted, and the police officer may, within seven days of the receipt of such notification, make representations in writing through the Commissioner to the Commission.

(3) An annual increment shall not be suspended except on the authority of the Commission.

(4) Where the Commission, after considering any representation by a police officer made under subregulation (2), supports the recommendation of the Commissioner referred to in subregulation (2), or where in the opinion of the Commission a report made under regulation 31 does not justify the payment of an increment to the police officer, the Commission shall notify the police officer in writing of its decision to suspend the payment of the increment.

(5) The Commission may suspend under subregulation (4) the payment of an increment subject to subregulation (6) for a period not exceeding six months.

(6) Where the Commission suspends an increment under subregulation (4) for a specified period, the Commissioner shall, not less than thirty days before the expiration of the specified period, make a report on such police officer and if in the opinion of the Commission—

(a) the report justifies the payment of the increment, the Commission shall grant the increment which shall be payable from the date from which it is granted;

(b) the report does not justify the payment of the increment, the Commission may suspend the payment of the increment for a further period not exceeding six months.

(7) Where the Commission suspends the payment of an increment to a police officer under this regulation, the suspension shall not affect the police officer's incremental date.

CHAPTER V

PROBATIONARY APPOINTMENTS

Period of probation on first appointment.

34. Except as otherwise provided in this Chapter, a police officer on first appointment to the Police Service shall be required to serve on probation for a period of two years.

Probation not required or may be offset in certain cases.

35. (1) Where a police officer is to be appointed to an office in which he has performed the duties, whether in an acting or temporary capacity, for periods of equal or longer duration than the period of probation prescribed in regulation 34, the police officer shall not be required to serve on probation.

(2) Where a police officer is appointed on promotion to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed in regulation 36, not more than one year and not less than six months acting service may be offset against the period of probation.

Probation on promotion.

36. (1) Subject to regulation 35, a police officer who is appointed on promotion to an office may be required to serve on probation for one year in the office to which he is promoted.

(2) Subject to subregulation (3), where within two years immediately preceding his promotion a police officer has served in an acting appointment in the office to which he is promoted, the period of probation shall be abated by the extent of the aggregate of service in such acting appointment unless the Commission otherwise directs.

(3) In calculating the aggregate of service in an acting appointment for the purpose of subregulation (2), only continuous service of three months or more shall count.

Waiver of portion of period of probation.

37. Where a police officer is promoted before he has completed the full period of probation in his former office, the unserved portion of that period of probation shall be deemed to be waived and the police officer deemed to be confirmed in that appointment.

Principles to be observed while officer on probation.

38. The following principles shall be observed for the treatment of a police officer during his period of probation:

(a) the police officer on probation shall be given an opportunity to learn his work and be tested as to his suitability for it;

(b) he shall be accorded all possible facilities for acquiring experience in his duties;

(c) he shall be subject to continual and sympathetic supervision;

(d) so far as the exigencies of the Service permit, he shall be assigned to duty only where such observation is possible; and

(e) if at any time during his period of probation he shall exhibit tendencies which render it in any way doubtful that he is likely to become fit for confirmation in his appointment, these shall at once be drawn to his attention in writing by the Commissioner and he shall be given such assistance as may be possible to enable him to correct his faults.

Confidential reports.

39. (1) In the case of a police officer serving a two-year period of probation, the Commissioner shall furnish to the Director three confidential reports as follows:

(a) a first report after the police officer has completed one year's service;

(b) an interim report six months before the period of probation expires; and

(c) a final report one month before the period of probation expires.

(2) In the case of a police officer serving a one-year period of probation, the Commissioner shall furnish to the Director two confidential reports as follows:

(a) a first report six months before the period of probation expires;

(b) a final report one month before the period of probation expires.

(3) The Director shall report to the Commission whenever the Commissioner fails to submit a confidential report on an officer on probation within the terms specified in this regulation.

(4) In submitting the final report, the Commissioner shall make a firm recommendation—

(a) that the police officer be confirmed in the appointment; or

(b) that the period of probation be extended; or

(c) that the police officer's appointment on probation be terminated; or

(d) that the police officer return to his former office.

(5) The report of the Commissioner under this regulation shall not be seen by the police officer on probation, but any adverse comments on his work shall be in specific terms; the officer shall be notified in writing in duplicate as early as possible, so that he should have sufficient time in which to make an effort to correct his shortcomings before his period of probation expires. The police officer shall retain the original notification and shall sign the duplicate and return it to the Commissioner for the record.

Extension of probation.

40. (1) Before any recommendation is made to the Commission for the extension of a police officer's period of probation or for the termination of his appointment, the Commissioner shall inform the police officer of this recommendation and of the specific reasons therefor and he shall invite the police officer to submit any representations he may wish to make.

(2) Subject to the provisions of these Regulations, the first appointment on probation of a police officer may, at any time during the period of probation, be terminated by the Commission.

Confirmation of appointment.

41. (1) If, after consideration of the final report of the Commissioner, the Commission is satisfied that the police officer's probationary service has been satisfactory, he shall be confirmed in his appointment with effect from the date of appointment.

(2) If the Commission is not satisfied that the police officer's probationary service has been satisfactory, the period of probation may be extended for a further period.

Incremental date where period of probation extended.

42. Where a police officer's period of probation has been extended and he is subsequently confirmed in his appointment, the Commission may direct that the police officer's increment be paid—

(a) with effect from the date following that on which the extended period of probation expired without change in the incremental date; or

(b) with effect from the date following that on which the extended period of probation expired which would then become his incremental date.

Commissioner to keep record.

43. The Commissioner shall keep a record of every police officer who has been appointed on probation in the Service.

CHAPTER VI

RESIGNATIONS, RETIREMENTS AND TERMINATION OF APPOINTMENTS

Resignation.

44. (1) A police officer who wishes to resign shall give to the Commission notice in writing of his intention at least one month

before the date on which he wishes to relinquish his appointment, but the Commission may waive the requirement of notice in whole or in part if it thinks fit.

(2) Notwithstanding any regulation respecting the non-forfeiture of leave, a police officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(3) An officer is not entitled to withdraw his notice of resignation before such resignation becomes effective, but the Commission may accept such withdrawal if tendered in writing at any time before the effective date of the resignation.

Abandonment.

45. A police officer who is absent from duty without leave for a period of one month may be declared by the Commission to have resigned his office and thereupon the office becomes vacant and the police officer ceases to be a police officer.

Reasons for termination of appointment.

46. The services of a police officer may be terminated only for the reasons stated below:

(a) Where the police officer holds a permanent appointment—

(i) on dismissal or removal in consequence of disciplinary proceedings;

(ii) on compulsory retirement;

(iii) on voluntary retirement;

(iv) on retirement for medical reasons;

(v) on being retired in the public interest;

(vi) on resignation without benefits payable under any written law providing for the grant of pensions, gratuities or compensation;

(vii) on the abolition of office.

(b) Where the police officer holds a temporary appointment—

(i) on the expiry or other termination of an appointment for a specified period;

(ii) where the office itself is of a temporary nature and is no longer necessary;

(iii) on the termination of appointment in the case of a police officer on probation;

(iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office;

(v) on dismissal or removal in consequence of disciplinary proceedings;

(vi) ill health.

(c) Where the police officer is on contract, his services shall be terminated in accordance with the terms of the contract.

Compulsory and voluntary retirement.

47. (1) A police officer in the First Division—

(i) shall be required to retire on attaining the age of sixty years;

(ii) may, with the approval of the Commission, retire on attaining the age of fifty-five years;

(iii) may, with the permission of the President, retire on attaining the age of fifty years, if he has had not less than thirty years continuous service.

(2) A police officer in the Second Division—

(i) shall be required to retire on attaining the age of fifty-five years;

(ii) may, with the approval of the Commission, retire on attaining the age of fifty years.

Commissioner to notify Director of officers to retire compulsorily.

48. The Commissioner shall inform the Director of all officers in the Service who are within one year of the compulsory retirement age.

Premature retirement. [175/1993].

49. (1) If it appears to the Commission that a police officer in the First Division who has attained the age of fifty years ought to be called upon to retire from the Service, the Commission shall advise the police officer accordingly.

(2) Any such police officer shall be afforded an opportunity of submitting to the Commission any representations he may wish to make regarding his proposed retirement.

(3) If the Commission, after considering the representations, if any, made by the police officer, is of the opinion that, having regard to all the circumstances of the case, the police officer should be retired in the public interest, the Commission shall require the police officer to retire on such date as the Commission shall determine, and the police officer shall be retired accordingly.

Retirement in the public interest. [80/2006].

50. (1) Where it is represented to the Commission or the Commission considers it desirable in the public interest that any police officer should be required to retire from the Police Service, it shall call for a full report on the police officer from the Commissioner and may take into account the police officer's previous record during the last preceding five years or where the police officer has less than five years service, the police officer's record during his period of service.

(2) Where the police officer is the Commissioner, the Commission shall call for a full report and such record from the Permanent Secretary, Ministry of National Security.

(3) If, after considering such report and such record and giving the police officer an opportunity to submit a reply to the grounds on which his retirement is contemplated and, having regard to the condition of the Police Service, the usefulness of the police officer thereto, and all the other circumstances of the case, the Commission is satisfied that it is desirable in the public interest to do so, it shall require the police officer to retire on such date as the Commission shall determine, and he shall be retired accordingly.

Termination of appointment on grounds of inefficiency.

51. (1) The Commission may terminate the appointment of a police officer on grounds of inefficiency as a result of a number of adverse reports.

(2) Where the Commissioner makes a recommendation in writing that the appointment of a police officer should be terminated on grounds of inefficiency, the police officer shall be informed in writing of such recommendation and shall be given an opportunity to make representations thereon.

(3) Where a police officer makes representations under subregulation (2), the representations shall be forwarded in their original form to the Commission by the Commissioner together with such comments as the Commissioner thinks fit.

(4) The Commission may, upon application of the police officer or on its own motion, cause an investigation to be made before making a final decision.

Married female officers.

52. The Commission may terminate the appointment of a female police officer who is married on the grounds that her family obligations are affecting the efficient performance of her duties and the procedure for the termination of such appointment shall be in accordance with regulation 51(2), (3) and (4).

Medical Boards.

53. (1) A Medical Board shall be held whenever it is necessary for a police officer to be examined with a view to ascertaining whether or not the officer should be retired on grounds of ill health, or in any case or class of case in which the Commission directs.

(2) A police officer may be required by the Commission to undergo a medical examination at any time.

(3) A police officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Commissioner may direct on behalf of the Board.

(4) Where a police officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so recommended by the Medical Board, falls sick and in consequence

is unable to perform his duties, the Commission may direct that the period during which he is unable to perform his duties shall be counted as leave without pay.

(5) Whenever it is considered necessary for a police officer to be examined with a view to ascertaining whether or not he should be retired on grounds of ill health, the Commissioner shall make a recommendation to this effect to the Commission and where there is a medical record of the police officer, the record shall be made available to the Medical Board.

(6) Where a deterioration in the work of the police officer is the reason or one of the reasons for requesting that the police officer undergo a medical examination, the Commissioner shall submit, with his recommendation under subregulation (5), a detailed report on any change in the quality of the officer's work in order to assist the Medical Board in carrying out the medical examination of the police officer concerned.

Unfit officers.

54. A police officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty after receipt of the Medical Board's report, and shall be granted such annual leave and accumulated annual leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty.

CHAPTER VII

CONDUCT

55. to 74. ***(Revoked by LN 214/1990).***

CHAPTER VIII

DISCIPLINARY PROCEDURE

Officer liable to disciplinary proceedings. [214/1990].

75. A police officer who fails to comply with any regulation, order or directive for the time being in force in the Police Service or with any of these Regulations, or commits an offence under

these Regulations or the Police Service Regulations, shall be liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

76. ***(Revoked by LN 214/1990).***

Commissioner to report officer. [214/1990].

77. (1) Where a report or allegation is received from which it appears that a police officer may have committed an offence other than an offence referred to in regulation 81, the Commissioner shall forthwith report the matter to the Director for the information of the Commission.

(2) The Commission, after considering the report made under subregulation (1), may institute disciplinary proceedings against the police officer.

(3)
(4) ***(Deleted by LN 214/1990).***

Commission to issue instructions on how certain cases to be dealt with.

78. The Commissioner shall report any case not covered by these Regulations to the Director and the Commission may issue instructions as to how the case shall be dealt with, and the case shall be dealt with accordingly.

Suspension by Commission.

79. (1) When the Commission becomes aware of any offence and the Commission is of the opinion that the public interest or the repute of the Service requires it, the Commission may direct the police officer in writing to cease to report for duty until further notice from the Commission, and a police officer so directed shall cease to perform the functions of his office forthwith.

(2) A police officer directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to draw full pay until such date as shall be specified in an order made by the Commission under regulation 80.

Interdiction. [214/1990].

80. (1) Where there have been or are about to be instituted against any police officer—

(a) disciplinary proceedings for his dismissal; or

(b) criminal proceedings,

and where the Commission is of opinion that the public interest requires that that police officer should forthwith cease to perform the functions of his office, the Commission shall interdict him from such performance.

(2) The effective date of interdiction shall be—

(a) where a police officer has continued to perform the duties of his office, the date of receipt by him of the notification of his interdiction;

(b) where, in accordance with regulation 79, a police officer has ceased to perform the duties of his office, such date as the Commission may direct.

(3) A police officer so interdicted shall, subject to the provisions of regulation 108, be permitted to receive such proportion of the pay of his office, not being less than one-half, as the Commission may determine after taking into consideration the amounts being deducted per month from the pay of the police officer.

(4) If disciplinary proceedings against any such police officer result in his exoneration, he shall be entitled to the full amount of the remuneration which he would have received if he had not been interdicted, but if the proceedings result in any punishment other than dismissal the police officer shall be allowed such pay as the Commission may in the circumstances determine.

(5) ***(Deleted by LN 214/1990).***

Procedure on alleged commission of offence. [80/1969 214/1990].

81. (1) Where a report or allegation that a police officer has committed an offence to which this regulation applies has been made, the officer making the report or allegation shall warn the police officer concerned in writing of the report or allegation.

(1A) The report or allegation referred to in subregulation (1) shall be referred to an officer senior to the officer against whom the report or allegation has been made including a Head of Division, other than a Head of Division who may be the disciplinary tribunal in respect of such report or allegation.

(1B) Such officer may charge the officer and refer the matter to a Head of Division to hear the matter in his capacity as a disciplinary tribunal pursuant to regulation 82.

(2) The officer making the report or allegation shall hold an office higher than that of the officer against whom the report or allegation has been made, but may do so on the information of any other person.

(3) Nothing in regulations 84 to 87 shall apply to proceedings on a report or allegation of an offence to which this regulation applies, but, subject to these Regulations, so much of the other provisions of this Chapter (other than regulations 89 and 96 to 102) as are applicable shall apply, with such adaptations and modifications as are necessary, to a disciplinary tribunal constituted in accordance with regulation 82.

(4) This regulation applies to offences that are the subject of a delegation by the Commission to the Head of Division, and a reference to the Head of Division in this regulation or in regulation 82 shall be read as a reference to the Senior Police Officer (being an officer of the First Division of the Police Service set out in the First Schedule to the Police Service Act, other than an Assistant Superintendent of Police) who is in charge of the Division or Branch to which the officer, against whom the report or allegation is made, is attached, and the Commissioner of Police and the Deputy Commissioner of Police.

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Powers of disciplinary tribunal. [214/1990].

82. (1) The Head of Division may be appointed by the Commission by notice in writing to be a standing or special disciplinary tribunal in respect of a matter referred to in regulation 81, and determine such charge and impose any one of the penalties prescribed in regulation 104(1)*(f)*, *(g)*, or *(h)*.

(2) A fine imposed by the Head of Division pursuant to subregulation (1), shall not exceed—

(a) where the Head of Division imposing the fine is a Superintendent, an amount calculated on four days pay to be deducted from the salary of the officer in no more than two instalments;

(b) where the Head of Division imposing the fine is an officer in the First Division other than a Superintendent, an amount calculated on four days pay per month to a maximum of three months to be deducted from the salary of the officer in no more than four instalments.

(3) A Head of Division appointed as a tribunal under this regulation shall not exercise any power as such in a matter where he is the person making the report or allegation.

Certain penalties to be imposed by Commissioner. [80/1969 214/1990].

83. (1) Where a disciplinary tribunal upon the determination of a charge against a police officer under regulation 82 finds that officer guilty and is of opinion that, owing to the special circumstances of the case (including the previous record of the offender), the penalty that could be imposed by it is inadequate, it may so certify and refer the matter to the Commissioner.

(2) The Commissioner may, on receipt of a certificate made under subregulation (1), impose a penalty prescribed in regulation 104(1)*(c)*, *(f)*, *(g)* or *(h)*.

(3) Where a disciplinary tribunal during the course of hearing a charge against a police officer under regulation 82 is of the opinion that the matter is such that the officer has been inadequately charged with an offence to which regulation 82 applies, it may so certify and refer the matter to the Commissioner.

(4) The Commissioner shall on receipt of a certificate made under subregulation (3) refer the matter forthwith to an investigating officer to deal with under regulation 84 as if it were an allegation or an offence to which regulation 77 applies.

Warning and Investigation. [91/2006].

84. (1) Where the Commissioner receives a report or an allegation is received from which it appears that a police officer may have committed an offence to which regulation 77 applies, the Commissioner shall, in addition to making a report as required by regulation 77, concurrently warn the police officer in writing of the allegation.

(2) An Investigating Officer from the Public Service Investigations Unit shall be appointed by the Director of Personnel Administration to investigate the allegation.

(2A) An Investigating Officer may also be appointed from within the Police Service on the instruction of the Commission and shall hold an office in a grade higher than that of the officer against whom the allegation has been made.

Personal explanation.

(3) The investigating officer shall, within three days of his appointment, give the police officer a written notice specifying the time, not exceeding seven days, within which he may, in writing, give an explanation concerning the report or allegation to the investigating officer.

(4) The investigating officer shall request those persons who have direct knowledge of the alleged offence to make written statements within seven days of the receipt of the request for the information of the Commission.

(5) The investigating officer shall, with all possible dispatch, but not later than thirty days from the date of his appointment, forward to the Commission, for the information of the Commission, the original statements and all relevant documents, together with his own report on the particular act.

(5A) Where the Commission considers that the circumstances before it warrant an extension of time, the period referred to in subregulation (5) may be extended by a period not exceeding thirty days.

(6) The Commission, after considering the report of the investigating officer and any explanation given under subregulation (3), shall decide whether the police officer should be charged with an offence, and if the Commission decides that the police officer should be so charged, the Commission shall, as soon as possible, cause the police officer to be informed in writing of the offence with which such police officer is charged, together with such particulars as will leave the police officer under no misapprehension as to the precise nature of the alleged offence.

(7) Where, in the explanation given under regulation 86(2), the police officer makes an admission of guilt, the Commission may determine the penalty to be awarded without further enquiry.

(8) Where the Commission, under section 127 of the Constitution, has delegated to a police officer its duty of deciding

under subregulation (6) whether a police officer shall be charged and of charging such police officer with an offence, the reference in subregulations (4), (5), (6) and (7) to the Commission shall be construed as a reference to that police officer.

Documents to be supplied to accused.

85. Where a police officer is charged with an offence, he shall as soon as possible be given a copy of any written explanation he may have made under regulation 84(3).

Officer to admit or deny charge in writing and may include explanation.

86. (1) Where a police officer is charged with an offence, the police officer shall be requested to state in writing within a specified period whether he admits or denies the charge and shall be allowed to give to the disciplinary tribunal or the Commission any explanation he may wish.

(2) Where a police officer admits the charge under subregulation (1), he shall be allowed to include in his explanation any extenuating circumstances in mitigation.

Hearing on failure to admit or deny charge.

87. Where a police officer—

(a) fails to give an explanation under regulation 84(3);

(b) fails to admit or deny the charge under regulation 86(1); or

(c) gives an explanation under regulation 84(3) or under regulation 86(1), that—

(i) places the facts in dispute; or

(ii) does not exculpate him,

the hearing shall proceed as though the police officer denied the charge.

Witnesses.

88. (1) The police officer shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(2) Any such witness who is a police officer shall be ordered to attend at the hearing of the case and any other witness

shall be given due notice that his attendance is desired and of the time and place of the hearing.

Appointment of disciplinary tribunal. [43/2001].

89. (1) Where the Commission under regulation 84(6) charges a police officer with an offence, it may appoint a disciplinary tribunal to hear the evidence and find the facts.

(2) A disciplinary tribunal which the Commission appoints under subregulation (1) may be constituted of—

(a) one officer or person;

(b) an uneven number of officers or persons not being less than three.

(3) An officer selected under subregulation (2) shall be, or in the case of a retired officer shall have been, of a grade higher than that of the officer charged.

Duty of officers appointed to disciplinary tribunal. [43/2001].

90. (1) It shall be the duty of every person or officer appointed under regulation 89 to hear the evidence, find the facts and make a report to the Commission in accordance with regulations 92 and 96 as soon as possible, and in the case of an officer, such officer may not be permitted any leave, other than sick leave or maternity leave, until the report is made to the Commission.

(2) Where an officer is absent for whatever reason, including the grant of sick leave, the disciplinary tribunal of which he is a member may, notwithstanding regulation 89(2)*(b)*, continue to hear the case and make a report in the absence of that officer, but such a tribunal shall not be constituted of less than two members.

Officer on charge not to be permitted leave.

91. A police officer who is charged with an offence shall not be permitted to take leave, other than sick leave or maternity leave, until the determination of the case.

Procedure at hearing. [214/1990].

92. (1) The following procedure shall apply to the hearing by a disciplinary tribunal of a case against a police officer charged with an offence:

(a) The police officer shall be summoned to appear at the hearing of the case and shall be given full opportunity to defend himself.

(b) The case against the police officer may be presented by a police officer, but such police officer shall be the holder of an office higher than that of the police officer charged.

(c) Before the case against the police officer is presented, the police officer may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged, and the disciplinary tribunal shall make a report of the submission to the Commission for its decision.

(d) At the hearing before a disciplinary tribunal, the police officer may conduct his defence either in person or may be represented by a police officer of his choice or by his staff association or by an Attorney-at-law, but where the hearing is before a disciplinary tribunal constituted of one officer, the police officer charged shall not be represented by an Attorney-at-law; where the police officer is represented by such police officer or by his staff association or by an Attorney-at-law, the police officer or his representative may cross-examine the witnesses called in support of the case against him.

(e) A true record of the proceedings at the hearing of the case shall be taken and a copy of the record shall be made available to the police officer if he desires to make application for an appeal to the Public Service Appeal Board.

(2) Nothing in this regulation shall be construed so as to deprive the police officer from making a submission at any time that the facts disclosed in the evidence do not support the charge.

93. The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case. Adjournment of hearing.

Hearing in absence of accused officer.

94. (1) If the police officer does not attend the hearing of the charge without good reason, the hearing may be proceeded with and concluded in his absence, but if good reason is given to the disciplinary tribunal by or on behalf of the police officer why the police officer is unable to attend the hearing, the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the police officer, it is impossible to comply with the procedure prescribed in regulation 84(3), regulations 85, 86 and 87 and subregulation (1) of this regulation, that procedure shall be dispensed with.

Standard of proof. [214/1990 92/2006].

95. (1) The standard of proof in any proceedings under this Chapter shall be on the balance of probabilities.

(2) In the hearing of any matter before it, the Tribunal may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act but the tribunal may inform itself on any matter in such manner as it thinks just and may take into account opinion evidence and such facts as it considers relevant and material but in any such case the parties to the proceedings shall be given the opportunity if they so desire of adducing evidence in regard thereto.

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(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy thereof or given access thereto.

(4) Any explanation in respect of an allegation or charge given by a police officer under regulation 84 shall be admissible at any hearing.

Tribunal to report. [214/1990].

96. (1) The disciplinary tribunal shall make a report to the Commission and the report shall contain its findings of fact and an expression of its opinion as to the meaning and nature of the facts found, together with the record of the proceedings required by regulation 92(1)*(e)*.

Report confidential.

(2) The disciplinary tribunal shall not disclose the contents of the report made under subregulation (1) to the police officer charged or to any other officer not authorised to receive such report.

(3) ***(Revoked by LN 214/1990).***

Disciplinary tribunal may adjourn and report to Commission. [106/1968 80/1969 214/1990].

97. (1) Where, during the course of the hearing of a case and before the hearing is concluded, it appears to the disciplinary tribunal that there are grounds disclosed which could form the basis of a charge for which the penalty that could be imposed could be any one of the penalties specified in regulation 104(1), the disciplinary tribunal shall adjourn the hearing for a period not exceeding fourteen days and shall forthwith report its findings of fact with a report of the proceedings up to date to the Commission.

(2) Where in the opinion of the Commission—

(a) the police officer should be charged with other offences, the Commission shall cause the officer to be so charged and the proceedings before such disciplinary tribunal shall cease; or

(b) the police officer, on the findings of fact submitted, may be liable to any one of the penalties specified in regulation 104(1), the Commission may direct such disciplinary tribunal to continue the hearing of the evidence, find the facts and make a report to the Commission.

(3) On consideration of the report of the disciplinary tribunal under subregulation (2)*(b),* the Commission may impose any one of the penalties specified in regulation 104(1).

Disciplinary tribunal to report where evidence insufficient. [106/1968].

98. (1) Where the disciplinary tribunal on hearing the evidence finds that the evidence is insufficient to support the charge or charges, the disciplinary tribunal shall submit to the Commission its findings of fact, together with the record of the proceedings as required in regulation 92(1)*(e)* without calling on the officer for his defence.

(2) If on receipt of the report and record of the proceedings under subregulation (1) the Commission is of the opinion that the report should be amplified in any respect or that further inquiry is desirable, it may refer the case back to the disciplinary tribunal for further enquiry or report accordingly.

Disciplinary tribunal to report further grounds disclosed at hearing. [106/1968 80/1969].

99. Where the disciplinary tribunal on hearing the evidence is of the opinion that such evidence discloses other offences, the disciplinary tribunal shall report the matter to the Commission and if the Commission thinks fit to proceed against the police officer in support of such offences, it shall cause the police officer to be informed in writing of any further charges made and the procedure prescribed in these Regulations in respect of the original charge shall apply in respect of such charges.

Commission to exercise disciplinary control on Commissioners. [214/1990].

100. The Commission may, on its own initiative, hear, determine and impose a penalty in respect of an allegation of an act of misconduct by the Commissioner or Deputy Commissioner.

Commission to inform officer of penalty imposed and of his right of review. [214/1990].

101. (1) Where on consideration or the report of the findings of fact by a disciplinary tribunal under regulation 96 the Commission is of the opinion that—

(a) the police officer should be exonerated, the Commission shall exonerate the police officer;

(b) the police officer should be dismissed, the Commission shall dismiss the police officer; or

(c) a penalty should be imposed, the Commission may impose any of the penalties specified in regulation 104.

(1A) The penalty of dismissal from office as a consequence of disciplinary proceedings shall be imposed only by the Commission.

(2) The Commission shall, as soon as possible after the hearing of the charge, inform the police officer in writing of its findings, the penalty imposed on him and of his right to appeal to the Public Service Appeal Board.

(3) Where the police officer—

(a) makes an application for an appeal in accordance with the Public Service Appeal Board Regulations, the penalty shall not take effect

Sub. Leg.

pending the determination of the matter by the Public Service Appeal Board; or

(b) does not make an application for an appeal to the Public Service Appeal Board, the penalty shall take effect at the expiration of the said time.

(4) Where the Commission under subregulation (1) informs the police officer that the penalty imposed on him is dismissal, the police officer, notwithstanding that he makes application for an appeal to the Public Service Appeal Board in accordance with the Public Service Appeal Board Regulations, shall not receive any pay or allowances from the date specified by the Commission. Sub. Leg.

(5) The failure to inform a police officer of his right to make application for an appeal and of the specified time for making such application shall not invalidate the decision of the Commission.

Commission may remove officer in public interest.

102. Where on a consideration of the report of the disciplinary tribunal, the Commission is of the opinion that the police officer does not deserve to be dismissed by reason of the charges alleged, but that the proceedings disclose other grounds for removing him from the Police Service in the public interest, the Commission may make an order for the removal of such police officer without recourse to the procedure prescribed by regulation 49.

Proceedings in private.

103. The proceedings before a disciplinary tribunal shall be held in private.

Penalties.

104. (1) The following are the penalties that may be imposed by the Commission by disciplinary proceedings brought against a police officer in respect of an offence:

(a) dismissal, that is, termination of appointment;

(b) reduction in an office, that is, removal to another grade with an immediate reduction in pay;

(c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on

the scale of remuneration attached to the particular office;

(d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;

(e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;

(f) transfer;

(g) fine;

(h) reprimand.

(2) Where a fine is imposed, the amount of such fine shall be deducted from the pay of the police officer in such manner as may be specified at the time the penalty is imposed.

105. to 107. ***(Revoked by L N 214/1990).***

Non-payment of remuneration on conviction on a criminal charge.

108. (1) A police officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving—

(a) dishonesty;

(b) fraud; or

(c) moral turpitude,

shall not receive any pay or allowance after the date of conviction pending consideration of his case by the Commission.

(2) The Commission may direct that a police officer convicted of a charge described in subregulation (1) shall cease to perform the duties of his office forthwith.

(3) Notwithstanding that a police officer convicted of a charge described in subregulation (1) has appealed against the conviction, such police officer shall not receive any pay or allowance after the date of conviction.

CHAPTER IX

REVIEWS

109. to 116. ***(Revoked by LN 214/1990).***

CHAPTER X

APPLICATION OF REGULATIONS

117. These Regulations apply to every police officer whether the police officer is appointed to an office in the Service for an indeterminate period or on probation.

Application of Regulations to all officers.

FIRST SCHEDULE

Regulation 3(1).

FORM 1

OATH (OR AFFIRMATION) OF OFFICE

I, ... do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of Chairman/ Member of the Police Service Commission in the exercise of the powers vested in the Police Service Commission under the Constitution and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty.

So help me God.

Sworn/Declared before me this ..... day of ....., 20 .....

.....
Judge of the High Court

Regulation 3(2).

FORM 2

OATH (OR AFFIRMATION) OF OFFICER OF THE COMMISSION

I, ... do swear/solemnly declare and affirm, that I will not directly or indirectly reveal to any unauthorised person or persons or otherwise than in the course of duty any information in connection with the business of the Commission which may come to my knowledge in the course of my duties as Secretary/...../...../.....) to the said Commission.

So help me God.
Sworn/Declared before me this ..... day of ....., 20.....

.....
Judge of the High Court

NOTE ON SECOND SCHEDULE

Regulation 65 which dealt with the incurring of debts by a Police Officer has been revoked by LN 214/1990.

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*SECOND SCHEDULE

Regulation 65(2).

RETURN OF INDEBTEDNESS

As at ..... 20.....

Name: .....

Office head: .....

Ministry/Department: .....

Salary: .....

Salary after deductions: .....

Married/Single.....

Number of dependants .....

TO WHOM INDEBTED		Reason for which debt was incurred	How secured	Terms of repayment	Amount now outstanding
Name	Date incurred				
.....		.....	.....	.....	.....
.....		.....	.....	.....	.....
.....		.....	.....	.....	.....
.....		.....	.....	.....	.....
.....		.....	.....	.....	.....

Date .....20 .....

Signature .....

*(**N.B.**—*See* **Note on Second Schedule at page 170).**

218/2015.

COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF POLICE (SELECTION PROCESS) ORDER

made under section 123(2) of the Constitution

Citation.

***1.** This Order may be cited as the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order.

Interpretation.
Constitution.

2. In this Order, "Commission" means the Police Service Commission established under section 122 of the Constitution.

Selection process.

3. The selection process for appointment to the offices of Commissioner of Police and Deputy Commissioner of Police shall be conducted in the following manner:

(a) the Commission shall contract an appropriate local firm (hereinafter referred to as "the Firm") to conduct a recruitment process including inviting applications for the positions;

(b) the Firm shall ensure that the candidates are subjected to the best practice security vetting and recent professional vetting;

(c) the Firm shall submit to the Commission—

(i) the results of its assessment process as mandated and contracted by the Commission;

(ii) a report on its assessment of the entire assessment process; and

(iii) in respect of the candidates referred to in subparagraph (i), the following documents:

(A) application of the candidate;

(B) biography or résumé of the candidate;

(C) assessor's scores;

(D) assessor's feedback;

* Parts of this Order declared unconstitutional by the High Court have been omitted. (H.C.—Claim No. CV2016—01218).

(E) medical examination report; and

(F) Security and Professional Vetting Report;

(d) the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List; and

(e) the commission shall select the highest graded candidate on the Order of Merit List and submit that candidate's name to the President in accordance with the procedure set out in section 123 of the Constitution.

Use of Order of Merit List in certain circumstances.

4. (1) Where, in relation to clause 3*(e)*, the House of Representatives does not approve of the highest graded candidate on the Order of Merit List pursuant to section 123 of the Constitution, subsequent nominations in order of merit may be submitted to the House of Representatives from the Order of Merit List only in accordance with the procedure set out in the Constitution.

(2) Where the Order of Merit List is exhausted, the process set out in this Order shall be recommenced.

(3) With respect to the nominations submitted in accordance with the procedure set out in section 123 of the Constitution, the Commission shall also submit a dossier in respect of each candidate so nominated.

(4) The dossier referred to in subclause (3) shall contain the following:

(a) application of the candidate; and

(b) the biography or résumé of the candidate.

Validity of Order of Merit List.

5. For the purposes of this Order, the Order of Merit List shall be valid for a period of one year.

Nomination of candidate in particular circumstances.

6. Notwithstanding this Order, if, for whatever reason, the office of Commissioner of Police or Deputy Commissioner of Police becomes vacant, the Commission may nominate a candidate who was previously assessed in accordance with clause 3, if the Order of Merit List is still valid.

Legal Notice No. 102 of 2009 revoked.

7. The Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009 is revoked.

APPOINTMENT OF THE COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF POLICE (QUALIFICATION AND SELECTION CRITERIA) ORDER

219/2015.

made under section 123(2) of the Constitution

Citation.

1. This Order may be cited as the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order.

Qualification and experience.

2. (1) A candidate for the office of Commissioner of Police shall be a national of Trinidad and Tobago and shall have—

(a) a degree from a University recognised by the Ministry responsible for higher education in any of the following:

(i) law;

(ii) criminal justice;

(iii) criminology;

(iv) police service management; or

(v) any other relevant degree; and

(b) no less than fifteen years' experience of increasing responsibility in law enforcement.

(2) A candidate for the office of Deputy Commissioner of Police shall be a national of Trinidad and Tobago and have—

(a) the qualifications stipulated in subclause (1)*(a)*; and

(b) no less than ten years' experience of increasing responsibility in law enforcement.

Candidate not to be a bankrupt or convicted of a criminal offence.

3. A candidate for the post of Commissioner of Police or Deputy Commissioner of Police shall not be a bankrupt and shall not have a conviction for a criminal offence.

Legal Notice No. 101 of 2009 revoked.

4. The Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2009 is revoked.

PUBLIC SERVICE APPEAL BOARD REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Meetings and procedure of Board.
4. Secretary.
5. Notice of appeal.
6. Time for appeal.
7. Service of notice of appeal.
8. Copy of record and affidavit of service to be filed with Secretary.
8A. Record of disciplinary proceedings to be filed by respondent.
9. Procedure on withdrawing appeal.
10. Entitlement to be represented by an Attorney-at-law.
11. Appeal Board may require production of exhibit.
12. Power of Appeal Board to dismiss an appeal.
13. Procedure where respondent fails to appear at hearing.
14. Fees.

FIRST SCHEDULE.
SECOND SCHEDULE.

PUBLIC SERVICE APPEAL BOARD REGULATIONS

74/1978. [172/1978 68/1981 85/1981 179/1985].

made under section 132(5) of the Constitution

Citation.

1. These Regulations may be cited as the Public Service Appeal Board Regulations.

Interpretation.

2. In these Regulations—

"appellant" means the public officer in respect of whom a Service Commission makes a decision as a result of disciplinary proceedings brought against such officer;

"the Constitution" means the Constitution set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act; Ch. 1:01.

"exhibits" includes all papers, reports, records and other documents, matters and things used or prepared in connection with disciplinary proceedings;

"the Public Service Appeal Board" or "the Appeal Board" means the Public Service Appeal Board constituted under section 130(1) of the Constitution;

"respondent" means the Director of Personnel Administration;

"Secretary" means the Secretary to the Public Service Appeal Board;

"Service Commission" means—

(a) the Judicial and Legal Service Commission established under section 110(1) of the Constitution;

(b) the Public Service Commission established under section 120(1) of the Constitution;

(c) the Police Service Commission established under section 122(1) of the Constitution;

(d) the Teaching Service Commission established under section 124(1) of the Constitution,

and includes any person to whom the powers of a Service Commission have been delegated.

Meetings and procedure of Board. [172/1978].

3. (1) The Appeal Board shall meet at such times as may be necessary for the purpose of performing its functions.

(2) Meetings shall be held on such days and at such times and place as the Chairman may determine.

(3) The Chairman shall preside at all meetings of the Appeal Board.

(4) In this regulation "meetings" includes the hearing of an appeal.

Secretary. [172/1978 179/1985].

4. (1) The Appeal Board shall have a Secretary who shall be a public officer.

(2) The Secretary shall keep proper records of all proceedings before the Appeal Board.

(3) The Secretary shall, not less than seven days before the date fixed for the hearing of an appeal, notify both the appellant and the appropriate Service Commission of such date in the form set out as Form 2 in the First Schedule.

Form 2. First Schedule.

Notice of appeal. [179/1985]. Form 1. First Schedule.

5. (1) Every appeal to the Appeal Board shall be by way of rehearing and shall be brought by a notice in the form set out as Form 1 in the First Schedule.

(2) A notice under subregulation (1) shall—

(a) set forth the grounds of appeal;

(b) state whether the appeal is against the whole or part only of the decision of the appropriate Service Commission and where it is against part only, specify which part;

(c) state the nature of the relief sought; and

(d) be signed by the appellant or his legal representative.

(3) Where the grounds of appeal allege misdirection or error in law, particulars of the misdirection or error shall be clearly stated.

(4) The grounds of appeal upon which the appellant intends to rely at the hearing of the appeal shall be set out concisely and under distinct heads, without any argument or narrative and shall be numbered consecutively.

(5) No ground which is vague or general in terms or which discloses no reasonable grounds of appeal shall be permitted, save the general ground that the judgment is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this regulation may be struck out by the Appeal Board of its own motion or on application by the respondent.

(6) No appellant may, without leave of the Appeal Board, urge or be heard in support of any ground of objection not mentioned in the notice of appeal, but the Appeal Board may in its discretion and upon such conditions as it considers just, allow an appellant to amend the grounds of appeal specified in the notice.

(7) Notwithstanding the provisions of this regulation, the Appeal Board in deciding the appeal—

(a) shall not be confined to the grounds set forth by the appellant;

(b) shall not rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the matter on that ground.

Time for appeal. [172/1978 68/1981 85/1981 179/1985].

6. (1) A notice of appeal shall be filed with the Secretary within fourteen days of the date of the receipt by the appellant of the decision, in writing, of the appropriate Service Commission.

(2) The Secretary shall keep a record of and assign a number to each notice of appeal which is filed.

(3) Notwithstanding subregulation (1), the Appeal Board may extend the period specified in that subregulation if an application for an extension of time is made within one month of the expiration of that period.

(4) An application under subregulation (3) shall be made in the form set out as Form 2 in the First Schedule and shall be supported by an affidavit as to the facts contained in the application.

Form 2. First Schedule.

Service of notice of appeal.

7. A true copy of the notice of appeal shall be served upon the respondent within seven days after the original notice has been filed.

Copy of record and affidavit of service to be filed with Secretary. [68/1981 85/1981 179/1985]. Form 3 First Schedule.

8. An appellant shall, within three weeks of the filing of his notice of appeal or within such extended time as may be granted by the Appeal Board under subregulation (3) of regulation 6, file with the Secretary an affidavit of service of the notice of appeal in the form set out as Form 3 in the First Schedule.

Record of disciplinary proceedings to be filed by respondent. [68/1981 85/1981].

8A. (1) Where an appeal against the decision of a Service Commission has been filed, the respondent shall, within three weeks of the service of notice of appeal or within such extended time as may be granted by the Appeal Board, file with the Secretary five copies (or such greater number as the Secretary may require) of the record of the disciplinary proceedings upon which the decision of the Commission was based.

(2) When the provisions of subregulation (1) have been complied with, the Secretary shall—

(a) give to the appellant notice of the filing of the record in the form set out as Form 4 in the First Schedule together with a copy of that record; and

Form 4. First Schedule.

(b) keep for the use of the Appeal Board three copies (or such greater number as may be required) of the record and of any notice or other document received by him after the record has been filed.

Procedure on withdrawing appeal. [179/1985]. Form 6. First Schedule.

9. An appellant who desires to withdraw his appeal shall—

(a) file with the Secretary a notice in the form set out as Form 6 in the First Schedule;

(b) serve on the respondent a copy of the notice of withdrawal.

Entitlement to be represented by an Attorney-at-law.

10. (1) A public officer is entitled on an appeal to be represented—

(a) by an Attorney-at-law or an officer of the service of which he is a member, selected by him; or

(b) by a member of his staff association.

(2) On an appeal the respondent may appear in person or may be represented by a legal or other representative.

Appeal Board may require production of exhibit.

11. On an appeal the Appeal Board may at any time require the production of any exhibit which in its opinion is relevant to the proceedings before it.

Power of Appeal Board to dismiss an appeal. [68/1981 85/1981].

12. (1) Where after filing a notice of appeal, an appellant—

(a) fails to comply further with any other requirement of these Regulations; or

(b) fails to appear on the date of the hearing,

the Appeal Board may dismiss the appeal.

(2) An appellant whose appeal has been dismissed under subregulation (1) may apply for the restoration of his appeal in the form set out as Form 7 in the First Schedule, supporting such application by an affidavit as to the facts contained therein.

Form 7. First Schedule.

(3) Where an application is made pursuant to subregulation (2), the Appeal Board may, if it is satisfied that the justice of the case so demands, order that the appeal should be restored on such terms as it thinks fit.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date of the dismissal of the appeal.

Procedure where respondent fails to appear at hearing. [179/1985].

13. (1) Where the respondent fails to appear on the date of the hearing of an appeal, the Appeal Board may proceed to hear the matter *ex parte*.

(2) The respondent may, where an appeal is heard *ex parte,* apply by notice in the form set out as Form 8 in the First Schedule to the Appeal Board to set aside its decision.

Form 8. First Schedule.

(3) The Appeal Board may, where an application is made pursuant to subregulation (2), and if it is satisfied that the justice of the case so demands, order a rehearing of the appeal.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date when the appeal was heard *ex parte*.

Fees. [179/1985].

14. (1) Every person whether or not a party to an appeal before the Appeal Board shall, upon payment of the prescribed fee, be entitled to a copy of any judgment, order or other document set out in the Second Schedule.

Second Schedule.

(2) The fees referred to in this regulation shall be taken by adhesive stamps, which stamps shall be defaced and cancelled in indelible ink by an officer duly authorised by the Appeal Board.

FIRST SCHEDULE

[172/1978
68/1981
85/1981
179/1985].

FORM 1

Regulation 5(1).

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE OF APPEAL

Appeal No ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant being dissatisfied with the decision or part thereof of the ..... Service Commission given on the ..... day of ....., 20..... and more particularly stated in paragraph 2 hereby appeals against such decision or part thereof to the Public Service Appeal Board on the grounds set forth in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

2. .....
.....
.....
(Insert here the decision or the part thereof against which the notice of appeal is filed)

3. State grounds of appeal and particulars of the misdirection or error in law on which the decision was based:

(a) .....
(b) .....
(c) .....
(d) .....

4. .....
.....
.....
(Insert here the relief sought from the Public Service Appeal Board)

Dated this ..... day of ....., 20 .....

.....
Appellant or his Legal Representative

Regulations 4(3) and 6(4).

FORM 2

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE OF HEARING OF APPEAL

Appeal No ..... of 20.....

Between

.....*Appellant*

And

..... *Respondent*

TAKE NOTICE that the above-mentioned Appeal will come on for hearing before the Public Service Appeal Board at .....
(Address)

on the ..... day of ....., 20 ..... at ..... a.m./p.m. and continuing thereafter as the Board may direct.

Dated this ..... day of ....., 20 .....

.....
Secretary, Public Service Appeal Board

To: .....
.....
.....
.....

FORM 3 Regulation 8.

BEFORE THE PUBLIC SERVICE APPEAL BOARD

APPLICATION FOR EXTENSION OF TIME TO FILE APPEAL

In the Matter of .....
Name of Applicant

And

the ..... Service Commission

And

In the Matter of an Application for an Extension of Time to File an Appeal

I, ... of .....

occupation ..... hereby apply for an extension of

time to file an appeal against the decision of the .....

Service Commission given on the ..... day of ....., 20 ..... I was unable to file the appeal within the period specified by the Public Service Appeal Board Regulations because .....

.....

.....
(State reason why appeal was not filed within the specified period)

Dated this .....day of ....., 20 .....

.....
Applicant

Regulation 8A(2)*(a)*.

FORM 4

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE THAT RECORD HAS BEEN FILED

Appeal No ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Respondent has filed the record of the Proceedings (a copy of which is enclosed) pursuant to Regulation 8A(1) of the Public Service Appeal Board Regulations.

Dated this ..... day of ....., 20 .....

.....
Secretary, Public Service Appeal Board

To the Appellant
.....
.....
.....

FORM 5

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE THAT RECORD HAS BEEN FILED

Appeal No .....of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant has filed the record and documents required to be filed pursuant to regulation 8A(2)*(a)* of the Public Service Appeal Board Regulations.

.....
Secretary, Public Service Appeal Board

To the Respondent.
.....
.....
.....

FORM 6

Regulation 9*(a)*.

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE OF WITHDRAWAL OF APPEAL

Appeal No ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant hereby withdraws his appeal against the Respondent in the above-named appeal.

Dated this ..... day of ....., 20 .....

.....
Appellant

FORM 7

Regulation 12(2).

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE OF APPLICATION FOR RESTORATION OF APPEAL

Appeal No ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that I ..... the Appellant in the above-named appeal which was dismissed on the ..... day of ....., 20 ..... hereby apply for the restoration of the said appeal on the grounds that—

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....
(State grounds on which application is based)

Dated this ..... day of ....., 20.....

.....
Applicant/Appellant

Regulation 13(2).

FORM 8

BEFORE THE PUBLIC SERVICE APPEAL BOARD

NOTICE OF APPLICATION FOR SETTING ASIDE DECISION IN APPEAL TAKEN *EX PARTE*

Appeal No ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the ..... Service Commission,

the Respondent in the above-named appeal which was decided *ex parte* on the ..... day of ....., 20..... hereby applies for a setting aside of that decision on the grounds that—

(a) .....
(b) .....
(c) .....
(d) .....
(e) .....
(State grounds on which application is based)

Dated this ..... day of ....., 20.....

.....
Applicant/Respondent

SECOND SCHEDULE

Regulation 14(1). [179/1985].

	Fees $ ¢
Documents	
1. For a copy of judgment after trial… … … …	2.50
2. For a copy of a judgment by default of appearance or defence	1.50
3. For a copy of reasons for judgment of a Court per each page or part thereof … … … … …	1.00
but not to exceed… … … … … …	25.00
4. For a photographic copy of all or any part of any document whether or not issued as an office copy—for each photographic sheet	1.25
5. For a typewritten copy of any document per folio of 100 words or part thereof … … … … …	.25
6. For each folio of 100 words or part thereof of any additional carbon copy, be spoken … … … … …	.15

POLICE SERVICE COMMISSION (APPEAL) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Meetings of Commission.
4. Composition of the Commission for hearing of appeals.
5. Procedure for notice of appeal.
6. Time for filing appeal.
7. Service of notice of appeal.
8. Procedure on notice of appeal.
9. Procedure on withdrawal of appeal.
10. Entitlement to representation by Attorney-at-law.
11. Production of exhibits Commission may require.
12. Power of Commission to dismiss appeals.
13. Non-appearance of respondent at hearing.
14. Powers of Commission.
15. Presentation of evidence.
16. Commission not bound by rules of evidence.
17. Functions of Commission.
18. Powers of Commission on appeal.
19. Copies of appeal documents.

FIRST SCHEDULE.
SECOND SCHEDULE.

POLICE SERVICE COMMISSION (APPEAL) REGULATIONS

270/2009.

made with the consent of the Prime Minister under section 129 of the Constitution

Citation.

1. These Regulations may be cited as the Police Service Commission (Appeal) Regulations.

Interpretation.

2. In these Regulations—

"appellant" means a police officer in respect of whom the Commissioner of Police or any person to whom the powers of the Commissioner of Police have been delegated makes a decision as a result of disciplinary proceedings brought against such officer or on promotion who files an appeal;

"the Constitution" means the Constitution set out in the Schedule to the Constitution of the Republic of Trinidad and Tobago Act; Ch. 1:01.

"exhibits" includes all papers, reports, records and other documents, matters and things used or prepared in connection with disciplinary proceedings or promotion;

"police officer" means a member of the Police Service;

"Police Service" means the Police Service established by section 4 of the Police Service Act; Ch. 15:01.

"respondent" means the Commissioner of Police;

"the Commission" means the Police Service Commission as established by section 122(1) of the Constitution.

Meetings of Commission.

3. (1) The Commission shall meet at such times as may be necessary for the purpose of performing its functions stipulated in section 123(1)*(f)* of the Constitution.

(2) Hearings shall be held on such days and at such times and place as the Commission may determine.

(3) The Chairman or in his absence any member of the Commission with the consent of the Commission shall preside at any meeting of the Commission.

Composition of the Commission for hearing of appeals.

4. In hearing and determining an appeal the Commission shall be comprised of no less than three members.

Procedure for notice of appeal.
First Schedule.

5. (1) Every disciplinary appeal to the Commission shall be by way of rehearing and shall be brought by a notice in the form set out as Form 1 in the First Schedule.

(2) Every promotion appeal shall be brought by notice in the form set out as Form 1 in the First Schedule.

(3) A notice under subregulation (1) or (2) shall—

(a) set forth the grounds of appeal;

(b) state whether the appeal is against the whole or part only of the decision of the respondent and where it is against part only, specify which part;

(c) state the nature of the relief sought; and

(d) be signed by the appellant or his legal representative.

(4) Where the grounds of appeal allege misdirection or error in law, particulars of the misdirection or error shall be clearly stated.

(5) The grounds of appeal upon which the appellant intends to rely at the hearing of the appeal shall be set out concisely and under distinct heads, without any argument or narrative and shall be numbered consecutively.

(6) No ground which is vague or general in terms or which discloses no reasonable grounds of appeal shall be permitted, save the general ground that the judgment is against the weight of the evidence, and any ground of appeal or any part thereof which is not permitted under this regulation may be struck out by the Commission of its own motion or on application by the respondent.

(7) No apellant may, without leave of the Commission, urge or be heard in support of any ground of objection not mentioned in the notice of appeal, but the Commission may in its discretion and upon conditions as it considers just, allow an appellant to amend the grounds of appeal specified in the notice.

(8) Notwithstanding the provisions of this regulation, the Commission in deciding the appeal—

(a) shall not be confined to the grounds set forth by the appellant;

(b) shall not rest its decision on any ground not set forth by the appellant unless the respondent has had sufficient opportunity of contesting the matter on that ground.

(9) Parties to an appeal shall be given notice of the date fixed for the hearing of an appeal in the form set out as Form 2 of the First Schedule not less than seven days before the date fixed for hearing of an appeal. Form 2. First Schedule.

6. (1) A notice of appeal shall be filed with the Commission within fourteen days of the date of the receipt by the appellant of the decision of the respondent. Time for filing appeal.

(2) The Commission shall keep a record of and assign a number to each notice of appeal which is filed.

(3) Notwithstanding subregulation (1), the Commission may extend the period specified in that subregulation, in particular, in relation to matters decided prior to the coming into effect of these Regulations.

(4) An application under subregulation (3) shall be made in the form set out as Form 3 in the First Schedule and shall be supported by an affidavit as to the facts contained in the application. Form 3. First Schedule.

7. A true copy of the notice of appeal shall be served upon the respondent by the Commission within seven days after the original notice has been filed. Service of notice of appeal.

8. (1) Where an appeal against the decision of the respondent in a disciplinary matter has been filed, the respondent shall, within three weeks of the service of notice of appeal or within such extended time as may be granted by the Commission, file with the Commission ten copies (or such Procedure on notice of appeal.

greater number as the Commission may require) of the record of the disciplinary proceedings upon which the decision of the respondent was based.

(2) After receiving the notice of appeal in a promotion matter the respondent shall within three weeks of the service of notice of appeal or within such extended time as may be granted by the Commission forward to the Commission ten copies of all documents relevant to the decision appealed.

(3) When the provisions of subregulations (1) and (2) have been complied with, the Commission shall—

Form 4. First Schedule.

(a) give to the appellant notice of the filing of the record in the form set out as Form 4 in the First Schedule together with a copy of that record; and

(b) keep for the use of the Commission six copies (or such greater number as may be required) of the record and of any notice or other document received by it after the record has been filed.

Procedure on withdrawal of appeal.

9. An appellant who desires to withdraw his appeal shall—

Form 5. First Schedule.

(a) file with the Commission a notice in the form set out as Form 5 in the First Schedule; and

(b) serve on the respondent a copy of the notice of withdrawal.

Entitlement to representation by Attorney-at-law.

10. (1) A police officer is entitled on an appeal to be represented—

(a) by an Attorney-at-law or an officer of the Police Service selected by him; or

(b) by a member of his staff association.

(2) On an appeal the respondent may appear in person or may be represented by a legal or other representative.

Production of exhibits Commission may require.

11. On an appeal the Commission may at any time require the production of any exhibit which in its opinion is relevant to the proceedings before it.

Power of Commission to dismiss appeals.

12. (1) Where after filing a notice of appeal, an appellant—

(a) fails to comply further with any other requirement of these Regulations; or

(b) fails to appear on the date of the hearing, the Commission may dismiss the appeal.

(2) An appellant whose appeal has been dismissed under subregulation (1) may apply for the restoration of his appeal in the form set out as Form 6 in the First Schedule, supporting such application by an affidavit as to the facts contained therein.

Form 6. First Schedule.

(3) Where an application is made pursuant to subregulation (2), the Commission may, if it is satisfied that the justice of the case so demands, order that the appeal should be restored on such terms as it thinks fit.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date of the dismissal of the appeal.

Non-appearance of respondent at hearing.

13. (1) Where the respondent fails to appear on the date of the hearing of an appeal, the Commission may proceed to hear the matter *ex parte*.

(2) The respondent may, where an appeal is heard *ex parte*, apply by notice in the form set out as Form 7 in the First Schedule to set aside the decision.

Form 7. First Schedule.

(3) The Commission may, where an application is made pursuant to subregulation (2), and if it is satisfied that the justice of the case so demands, order a rehearing of the appeal.

(4) No application may be made under this regulation after the expiration of twenty-one days from the date when the appeal was heard *ex parte*.

Powers of Commission.

14. (1) Where in any proceedings before the Commission a vacancy occurs in the membership in relation to such proceedings by reason of the inability from any cause of any member to continue to function, the remaining members shall continue to hear and determine those proceedings

notwithstanding such vacancy and no act, proceedings or determination of the Commission shall be called in question or invalidated by reason of such.

Presentation of evidence.

15. The Commission may require evidence or argument to be presented in writing and may decide the matters upon which it will hear oral evidence or argument.

Commission not bound by rules of evidence.

Ch. 7:02.

16. In the hearing and determination of any matter before it, the Commission may act without regard to technicalities and legal form and shall not be bound to follow the rules of evidence stipulated in the Evidence Act, but the Commission may inform itself on any matter in such manner as it thinks just and may take into account opinion, evidence and such facts as it considers relevant and material, but in any such case the parties to the proceedings shall be given the opportunity, if they so desire, of adducing evidence in regard thereto.

Functions of Commission.

17. The Commission may generally give such directions and do such things as are necessary or expedient for the expeditious and just hearing and determination of the appeal before it.

Powers of Commission on appeal.

18. (1) Upon the conclusion of the hearing of an appeal in a disciplinary matter the Commission may dismiss, affirm or modify the decision appealed against.

(2) Upon the conclusion of the hearing of an appeal in a promotion matter, the Commission may dismiss the appeal or set aside the decision taken and refer the matter back to the respondent for further consideration.

Copies of appeal documents.

Second Schedule.

19. Every person whether or not a party to an appeal before the Commission shall upon payment of the prescribed fee be entitled to a copy of any judgment order or other document in accordance with the Second Schedule.

FIRST SCHEDULE

Regulations 1 and 2.

FORM 1

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPEAL

Appeal No. ..... of 20.....

Between

..... *Appellant*

And

..... *Respondent*

TAKE NOTICE that the Appellant being dissatisfied with the decision or part thereof of the ..... Commissioner of Police given on the ..... day of ....., 20..... and more particularly stated in paragraph 2 hereby appeals against such decision or part thereof to the Police Service Commission on the grounds set forth in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

2. .....
.....
.....

(Insert here the decision or the part thereof against which the notice of appeal is filed)

3. State grounds of appeal and particulars of the misdirection or error in law on which the decision was based:

(a) .....
(b) .....
(c) .....
(d) .....

4. .....
.....
.....

(Insert here the relief sought from the Police Service Commission)

Dated this ..... day of ....., 20 .....

.....
Appellant or his Legal Representative

Regulation 5(9).

FORM 2

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF HEARING OF APPEAL

Appeal No. ..... of 20.....

Between

.....*Appellant*

And

..... *Respondent*

TAKE NOTICE that the above-mentioned Appeal will come on for hearing before the Police Service Commission at ..... on ..... day of ....., 20 ..... at ..... a.m./p.m. and continuing thereafter as the Commission may direct .....

....
(Address)

Dated this ..... day of ....., 20 .....

.....
Police Service Commission

To: .....
.....
.....
.....

FORM 3

Regulation 6(4).

BEFORE THE POLICE SERVICE COMMISSION

APPLICATION FOR EXTENSION OF TIME TO FILE APPEAL

In the Matter of .....
(Name of Applicant)

And

The Respondent (Commissioner of Police)

In the Matter of an Application for an Extension of Time to File an Appeal

I, ... of .....

occupation ..... hereby apply for an extension of

time to file an appeal against the decision of the .....

Commissioner of Police given on the ..... day of ....., 20 ..... I was unable to file the appeal within the period specified by the Police Service Commission Appeal Regulations because .....

.....

.....
(State reason why appeal was not filed within the specified period)

Dated this .....day of ....., 20 .....

.....
Applicant

Regulation 8(3)*(a)*.

FORM 4

BEFORE THE POLICE SERVICE COMMISSION

NOTICE THAT RECORD HAS BEEN FILED

Appeal No ..... of 20.....

Between

..... *Appellant*

And

Commissioner of Police *Respondent*

TAKE NOTICE that the Respondent has filed the record of the Proceedings (a copy of which is enclosed) pursuant to Regulation 8 of the Police Service Commission (Appeal) Regulations.

Dated this ..... day of ....., 20.....

.....
Police Service Commission

To the Appellant
.....
.....
.....

Regulation 9*(a)*.

FORM 5

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF WITHDRAWAL OF APPEAL

Appeal No. .....of 20.....

Between

..... *Appellant*

And

Commissioner of Police *Respondent*

TAKE NOTICE that the Appellant hereby withdraws his appeal against the Respondent in the above-named appeal.

Dated this ..... day of ....., 20 .....

.....
Appellant

FORM 6

Regulation 12(2).

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR RESTORATION OF APPEAL

Appeal No. ..... of 20.....

Between

..... *Appellant*

And

Commissioner of Police *Respondent*

TAKE NOTICE that I ..... the Appellant in the above-named appeal which was dismissed on the ..... day of ....., 20 ..... hereby apply for the restoration of the said appeal on the grounds that—

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....
(State grounds on which application is based)

Dated this ..... day of ....., 20.....

.....
Applicant/Appellant

Regulation 13(2).

FORM 7

BEFORE THE POLICE SERVICE COMMISSION

NOTICE OF APPLICATION FOR SETTING ASIDE DECISION IN APPEAL TAKEN *EX PARTE*

Appeal No ..... of 20.....

Between

..... *Appellant*

And

Commissioner of Police *Respondent*

TAKE NOTICE that the Commissioner of Police the Respondent in the above-named appeal which was decided *ex parte* on the ..... day of ....., 20..... hereby applies for a setting aside of that decision on the grounds that—

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....
(State grounds on which application is based)

Dated this ..... day of ....., 20 .....

.....
Applicant/Respondent

SECOND SCHEDULE

Regulation 19.

Documents	*Fees*
	$ ¢
1. For a copy of judgment after trial… … … …	25.00
2. For a copy of a judgment by default of appearance or defence	25.00
3. For a copy of reasons for judgment of a Court per each page or part thereof … … … … …	5.00
but not to exceed… … … … … …	75.00
4. For a photographic copy of all or any part of any document whether or not issued as an office copy—for each photographic sheet	5.00
5. For a typewritten copy of any document per folio of 100 words or part thereof … … … … … …	5.00
6. For each folio of 100 words or part thereof of any additional carbon copy, be spoken … … … … …	5.00